

LOUISIANA WILDLIFE & FISHERIES COMMISSION MEETING

January 9, 1997

Secretary Jenkins: Mr. Chairman?

Chairman Babin: Yes sir.

Secretary Jenkins: Can I make a couple remarks?

Chairman Babin: Yes sir.

Secretary Jenkins: These division reports, ... Second thing is from listening to this hydrilla report, I mean, I have not heard it before and I think that is a very serious matter and I think it is more than just a Wildlife and Fisheries problem. I think that probably we might ought to be the initiating agency, but I think we ought to talk about doing something on a statewide level and get some serious funds together and make the legislature and Governor aware of this problem because it looks like it is something that could devour us if we don't do something about it. And, if ya'll agree, maybe we can put something together at a future Commission meeting and get ya'll to adopt a resolution of some sort to support that, if you think it is a good idea. And the last little thing I want to say is just, back on the oyster business a minute...

Chairman Babin: Mr. Jenkins, let me ask you one thing, getting back to the hydrilla. You mentioned Wildlife and Fisheries being the start up agency to try and get some state funds, it was mentioned that it is against federal statute also to transport hydrilla from state to state, would it not be possible then to get some federal funds?

Secretary Jenkins: Yes, I guess it would be, Mr. Babin. We can investigate that, I don't know if other states are getting federal funds are not.

Chairman Babin: They have a lot more money than the state does.

Secretary Jenkins: But apparently it is taking hold here and I can tell you we don't have the money in this Department to handle it, not to come close. So, maybe we will handle it with more money or maybe another agency or somebody else will do it. But, its hunting and fishing and boating and navigation and a lot of things could be affected by this, and I think it is a serious enough problem. We've got some information on it, we ought to be the ones to put it on the legislature.

Commissioner Carver: I have seen hydrilla at its worst in Florida years ago. We are talking 25 years ago, nearly 25 years ago at Orange Lake. And, if you don't think it is serious, then you just look at some of these places, it is a very serious

problem. And, as far as the Division Reports, I enjoy them. In fact I have requested two for next meeting, different areas.

Secretary Jenkins: Okay, well if anybody else wants to hear a subject matter, well give us a little notice and we will try to get it to you. And, when I say hydrilla, I'm sure there are more than just hydrilla, there are other aquatic plants that we probably need to pay attention to too and we just kind of put them all in the same basket and try to get ...

Commissioner Carver: Yes, but hydrilla is the new kid on the block and he is mean.

Commissioner Cormier: So, Jimmy, the Department is going to continue looking in it, you made a recommendation.

Secretary Jenkins: Well I'm going to, you know, I mean, I'm just thinking out loud right now. But what I intend to do after this meeting is try to get together with these folks, get all the facts and figures together, maybe take this presentation and shorten it a little bit, I noticed you were a little sleepy over there early when it was going, I'm just kidding you. No, and maybe put it in some kind of presentable form for people that write the checks and at least we have put them on notice, we have said there is a problem we need to do something about it. I would hate for somebody to come back in two or three years and said ya'll knew all this stuff and didn't tell us a darn thing about it, you know, so we need to tell them about it.

Commissioner Cormier: Well I was just wondering, you made mention about it, but Mr. Babin has not said yes, continue on with it.

Secretary Jenkins: Well, you know, I would get something together maybe by the next meeting and we could have some sort of resolution ya'll could adopt to support this thing for us and maybe go forward with it.

Chairman Babin: That is what I was going to ask you to do, get some information for the next meeting or, if that's too soon for the following meeting.

Secretary Jenkins: Next meeting? John is doing this (nodding yes).

Chairman Babin: Okay, good.

**LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES**

**BOARD MEETING**

**JANUARY 9, 1997**

**DANIEL BABIN  
CHAIRMAN**

**BATON ROUGE, LOUISIANA**

The following constitute minutes of the Commission Meeting  
and are not a verbatim transcript of the proceedings.

Tapes of the meetings are kept at the  
Louisiana Department of Wildlife and Fisheries  
2000 Quail Drive

Baton Rouge, Louisiana 70808

For more information, call (504) 765-2806

AGENDA  
LOUISIANA WILDLIFE AND FISHERIES COMMISSION  
BATON ROUGE, LOUISIANA  
JANUARY 9, 1997

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MINUTES OF THE MEETING  
OF  
LOUISIANA WILDLIFE AND FISHERIES COMMISSION

Thursday, January 9, 1997

Chairman Glynn Carver presiding.

Jerald Hanchey  
Perry Gisclair  
Joseph Cormier  
Daniel Babin  
Tom Gattle

Secretary James H. Jenkins, Jr. was also present.

Commissioner McCall was absent from the meeting.

Chairman Carver noted a new member was appointed to the Commission and then asked Secretary Jenkins to introduce him. Secretary Jenkins stated Mr. Tom Gattle, replacing Commissioner Schneider, was an avid outdoorsman and businessman from Lake Providence, Louisiana. He felt Mr. Gattle was a good conservationist and was glad to have him on the Commission. Commissioner Gattle stated he was glad to be appointed to the Commission. He then asked for patience due to unfamiliarity with the workings of the Commission or Department. He stated he looked forward to meeting everyone and getting to know everyone.

Chairman Carver called for a motion for approval of the **December 5, 1996 Commission Minutes**. A motion for approval was made by Commissioner Babin and seconded by Commissioner Gisclair. The motion passed with no opposition.

**Election of Chairman and Vice-Chairman** began with Chairman Carver stating the By-Laws of the Commission preclude him from being nominated for Chairman. He expressed his appreciation to the other Commission members and Department for the efforts made so the meetings would run smoothly. Chairman Carver then expressed his appreciation to Ms. Susan Hawkins and Mr. Don Puckett. A copy of recommended procedures for the election was included in the packets. Commissioner Babin made a motion to adopt the recommended procedures and it was seconded by Commissioner Hanchey. Commissioner Gisclair asked if the decision was needed now to have the election viva voce or roll call? Mr. Puckett stated the Commission could decide then how they wanted to vote. Commissioner Gisclair made a substitute motion for the voting to occur with a show of hands. Commissioner Cormier seconded the motion and it passed with no opposition. Before nominations were taken, Chairman Carver stated as soon as a new Chairman was elected, he immediately takes over the meeting. Commissioner Hanchey made the nomination

of Mr. Danny Babin as Chairman. Commissioner Cormier made a motion to close nominations and it was seconded by Commissioner Hanchey. The motion passed with no opposition. Commissioner Babin was elected Chairman by acclamation, stated Mr. Puckett. Chairman Babin thanked the other members for the vote of confidence. Then Chairman Babin asked for nominations for Vice-Chairman. Commissioner Cormier made the nomination of Mr. Perry Gisclair for Vice-Chairman. Commissioner Gisclair was elected Vice-Chairman by acclamation.

**Donation to Louisiana Wildlife & Fisheries Foundation by the Bayou State Bowhunters** began with Mr. Hugh Bateman announcing the great cooperation with the Department by the Bowhunters Association. He then asked Mr. Mike Colvin to come forward to make a presentation. Mr. Colvin stated he was proud to represent the Bayou State Bowhunters Association in making the presentation. The funds raised were from hard work and the commitment of a number of members from throughout the State. The shoot this year was held on Loggy Bayou and Sherburne Wildlife Management Areas. Mr. Colvin expressed gratitude to Mr. Steve Hebert and Mr. John Sturgis who worked with the Department. A check in the amount of \$677.70 was presented for improvements on the Loggy Bayou campground. The check for the Sherburne WMA was for \$2,185.26 and will be dedicated for the telemetry turkey study on the area.

**A Notice of Intent on the Experimental Dove Field Leasing Program** was given by Mr. Fred Kimmel. The Notice of Intent would establish rules for the dove leasing program. In 1994 this program began in response to decreasing opportunities for public dove hunting. The program leases private agricultural lands for one day hunts, generally the opening day of the split. An administrative fee is charged to offset the cost of the leases. If a violation should occur with this growing program, the rules would give the Department the opportunity of issuing a citation. The rules are intended to meet two objectives: to provide a safe and orderly hunt for the hunters and to protect the landowners property. A brief summary of the proposed rules was then given by Mr. Kimmel. Commissioner Carver asked how many people participated in the program and was the Department anticipating leasing more land this year? Commissioner Gisclair asked what is the time frame for the lease and was it only for dove hunting? Commissioner Cormier asked if there was a minimum amount of acres a landowner possessed? Commissioner Carver asked if there were any liabilities that might be overlooked? Mr. Kimmel stated discussions were held with the Legal staff and the consensus was the potential liability would be similar to that on the Wildlife Management Areas. Mr. Hugh Bateman stated his staff checked other states that have had successful programs and used their experiences in having the trial hunts. He then stated he has not heard of or known of any liability problems that have resulted from this type program. Mr. Bateman also added the Department would be happy to include any suggestions that could help alleviate any exposure to liability. Commissioner Carver

suggested the liability issue might be looked at further down the road. Mr. Puckett stated there is some potential exposure and also there is a statute that applies to landowners that provides immunity from liability. Commissioner Hanchey made a motion to accept the Notice of Intent and it was seconded by Commissioner Cormier. The motion passed with no opposition.

(The full text of the Notice of Intent is made a part of the record.)

#### NOTICE OF INTENT

##### Department of Wildlife and Fisheries Wildlife and Fisheries Commission

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Wildlife and Fisheries Commission does hereby give notice of its intent to promulgate rules governing hunting on property leased for public dove hunting by the Department of Wildlife and Fisheries.

#### Title 76

#### WILDLIFE AND FISHERIES

#### Part XIX. Hunting

#### Chapter 1. Resident Game Hunting Seasons

#### §107. Experimental Dove Field Leasing Program

A. In recognition of the popularity of dove hunting and the lack of lands available to the general public for dove hunting, the Wildlife and Fisheries Commission establishes rules for an experimental public dove hunting program on private lands leased by the Department of Wildlife and Fisheries.

B. The following rules will apply to those lands which dove hunting rights have been leased by the Department of Wildlife and Fisheries for the day(s) specified in the lease.

1. All hunters are required to have a daily permit. This permit will be available at the field on the day of the hunt. Permits will be issued on a first come - first serve basis. An administrative fee may be charged for daily permits.

2. Leased fields may be closed to additional hunters when a predetermined number of permits have been issued. However, additional hunters may be admitted throughout the day as hunters leave the field and surrender their permits.



3. No alcoholic beverages may be consumed or possessed on the leased property. Persons who appear to be impaired or under the influence of alcohol or other controlled substances will be denied access to the field(s).

4. Shot larger than size 7 1/2 is prohibited.

5. Only mourning doves may be taken.

6. Loaded firearms are prohibited in vehicles or at check stations.

7. Persons exhibiting unsafe gun handling shall be removed from the field(s).

8. Vehicles are restricted to designated areas or roads.

9. No littering. Each hunter is responsible for removing his/her trash, including shell hulls, from the leased property.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:783 and 56:109B.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR .

The Secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the Commission to promulgate and effectuate this notice of intent and the final rule, including but not limited to, the filing of the fiscal and economic impact statement, the filing of the notice of intent and final rule and the preparation of reports and correspondence to other agencies of government.

Interested persons may comment on the proposed rule in writing to Mr. Hugh Bateman, Administrator, Wildlife Division, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000 until 4:30 p.m., Tuesday, March 4, 1997.

Danny Babin  
Chairman

Chairman Babin requested that the next item, **Discussion of Notice of Non-Renewal of Oyster Leases and Oyster Lease Moratorium**, be placed on the agenda. He was contacted by representatives of the oyster industry to discuss renewal of leases. Chairman Babin asked Mr. Mike Voisin to present their concerns. Mr. Mike Voisin, an oyster farmer, began by stating the oyster industry has supported saving the coast of Louisiana for the past 50 years. Oyster farming began back in the late 1800's under Governor Murphy Foster's administration with the creation of the current oyster

leasing system. The leasing system now comprises approximately 400,000 acres of private and over 1 million acres of public oyster bottoms. The total economic impact from the oyster industry is more than \$100 million per year and generates 10,000 jobs, directly and indirectly for south Louisiana. A packet of information was presented to each Commissioner. The packet contained a bill from the 1995 Legislature that said leasing of state waterbottoms should be done with hold harmless clauses; a list of members of the Oyster Coastal Restoration Mitigation Committee; leaseholder options for oyster lease mitigation from coastal restoration areas; a copy of the current lease used by the Department which contains a hold harmless clause; a record of Congressional Hearing asking for a credit against in-kind share of the Davis Pond project; a letter to the Governor, Secretary of DNR and DWF and Mr. Len Bahr relating to the Department considering not renewing oyster leases; a Notice of Non-Renewal of Oyster Leases which was sent to the 75 leaseholders listed in the packet; a letter to the coastal mitigation committee which would have developed a legislative packet; and a letter to the Governor and Mr. Bahr from the oyster industry and farmers who participated in the mitigation committee resigning from the committee and asking it be disbanded. Mr. Voisin asked that the non-renewal of oyster leases in coastal restoration areas be rescinded and the leaseholders be given the right to fair treatment that is not outside a process the other leaseholders would participate in. He further stated that there would be legislation passed this year and policies developed. Also, Mr. Voisin asked that the moratorium be lifted since the leaseholders have the ability to move their product, substrate and improvements and be able to take in new areas to put their products down on. The problem with the 75 leaseholders is setting a terrible precedent for the industry as a whole, stated Mr. Voisin. Commissioner Carver asked how big is the industry and how long has the leasing program been in effect? Then he asked who sets the amount per acre for the leasing and has it always been \$2 per acre? Mr. Voisin stated the legislature sets the leasing rate. Then Commissioner Carver asked how much does it cost for the Department to operate the leases and was it at a break even point? Secretary Jenkins stated, when he was on the Commission, it was costing the Department approximately \$3.5 million over a three year period more than what was taken in to operate the oyster leases. Mr. Voisin explained an oyster lease was a barren waterbottom that was created by moving substrate and oysters onto it and then within three to five years later you could have a harvestable product. Every aspect of oyster farming was hard work from the ground up to when you can eat them, stated Mr. Voisin. Commissioner Carver stated he asked for informational reasons and felt the oyster leasing should be at a break even point for the Department. Chairman Babin asked if the decision to not renew the leases was based on the \$2 figure or other reasons? Secretary Jenkins stated the leases are for 15 years and the Department is not obligated to renew them even if improvements are made on the lease. The overall effort of the State is a commitment to coastal restoration which generally

resulted in freshwater diversions and in oysters not growing. An agreement with Department of Natural Resources has been entered into and the Department is obligated not to lease in areas DNR designates the freshwater will be in. Commissioner Gisclair stated he was under the impression when DNR made their presentation there would be a place to relocate the leases and then asked where did that stand now? Mr. Phil Bowman stated Department staff and DNR staff have been working with oyster industry representatives to develop a mitigation program which is becoming a very complex issue. A workshop was conducted which resulted in a model that would place a numerical value on the proposed impacted lease areas and relocation areas. Several versions of legislation have been drafted for the implementation of the mitigation process and it was hoped by the time the session begins, all parties could be united. Commissioner Gisclair stated the timetable he was given in May 1996 was not the same as what was being discussed now. Then he asked if the oyster farmers could move their oysters off the lease and were they given any notice? Mr. Don Puckett stated the farmers were given until July 1, 1997 to move their improvements off the lease. Commissioner Gisclair then asked if there would be any areas designated to move the oysters to from the affected areas. Chairman Babin stated with the passage of the moratorium, the oyster farmers can not only not renew their lease, but they do not have the opportunity to get a new lease. Then he asked if the legislative process would give the Secretary authority to grant short term leases? Mr. Puckett stated the short term leases were discussed and both DNR and Wildlife and Fisheries support that option. Then he informed the Commission there are four lawsuits filed by oyster lessees against the State claiming damages for coastal restoration, specifically freshwater diversions. The Department has to minimize its liability and the non-renewal of oyster leases was one way to do that. Chairman Babin asked, if legislation was passed this upcoming session granting the short term leases, then would the affected leaseholders not be impacted? Mr. Puckett stated the short term lease could be something the Department could look into. Commissioner Cormier stated the legal problem was if a 15 year lease was given and the freshwater diversion went into effect, the Department would have to buy out the farmer for the remainder of his time. The Department has their hands tied because they can not offer the leaseholders a one, two or three year lease. Secretary Jenkins stated the problem could be solved if the Department could change the terms of the lease. Mr. Voisin stated the Legislature has dealt with the problem with a bill stating a hold harmless clause would be included in the renewals. The legislation did not say it would not renew leases. Mr. Voisin felt the Department was being unfair to the 75 leaseholders and the problem would be resolved through an options packet being legislated this coming session. The Department has not done the fair and equitable thing for the citizens of the State and oyster farming industry in south Louisiana, stated Mr. Voisin.

Mr. Ralph Pausina, President of Louisiana Oyster Dealers and Growers Association, stated the 15 year leases began with 10 year renewals because some of the leases were made with transients. In order to make a farming operation, you would need a stable environment, stable product and stable sales. Mr. Pausina explained the different steps that are required to get a farming operation going. Then he stated his Association asked him to ask several questions to which they would like a response. These questions included: Does the Secretary have the authority and right to issue letters of non-renewal; does the Secretary have the authority to tell a citizen of Louisiana that he can remove oysters from unleased waterbottoms; does the Secretary have the authority to tell a citizen he can remove substrate from the waterbottoms; and does the Secretary have the authority to reserve unleased waterbottom for a specific purpose; and a moral question concerning giving the 6 month timeframe to remove improvements. Chairman Babin stated the Commission does not have the authority to do anything, but this was a legal issue. To answer the question of whether the Secretary has the authority, Chairman Babin felt he did and further stated the Commission could not over rule that. Commissioner Gisclair asked about Act 1362 and if he was reading correctly that no lessee could hold any loss, claims of loss or damages? Mr. Puckett stated a hold harmless clause has been placed in all leases and a Temporary Restraining Order has been issued to prevent the Department from issuing leases with the hold harmless clause in it. With this in effect, the Department is not issuing any leases. Commissioner Gisclair asked if there is something that supersedes State law? Mr. Puckett stated the Plaintiffs are raising Constitutional challenges to the placement of the hold harmless clause in the lease.

Mr. Wilson Voisin, Jr., Chairman of the Louisiana Oyster Task Force, began by thanking Secretary Jenkins for recognizing the huge and substantial investments in their leases. He stated the real concern from all leaseholders was where would this lead to and the uncertainty of not knowing what leases would fall within certain projects each year. He thought this really discouraged investment into the waterbottoms and that raised the possibility that the oyster industry would be gone. Chairman Babin stated this was an issue that could not be resolved today and that the Commission can not know about everything that goes on. He asked that the Commission be kept informed of what follows.

**Rule Ratification for the Special Bait Dealer's Permit** was presented by Mr. Brandt Savoie. This rule would allow the fishermen to have two gallons of dead bait on board. There have been no public comments received on the proposed rule. Mr. Savoie then asked for a motion to adopt the rule. Commissioner Cormier made a motion to adopt the rule and it was seconded by Commissioner Carver. The motion passed with no opposition.

(The full text of the Rule is made a part of the record.)

RULE

Department of Wildlife and Fisheries  
Wildlife and Fisheries Commission

The Wildlife and Fisheries Commission does hereby amend the regulations governing the Special Bait Dealer's Permit (LAC 76:VII.329). Authority for adoption of this rule is included in R.S. 56:497(C).

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

Chapter 3. Saltwater Sport and Commercial Fishing

§329. Special Bait Dealer's Permit

\* \* \*

C. Operations

\* \* \*

3. No more than two gallons of dead shrimp may be aboard the vessel while it is operating under the permit. All dead shrimp in excess of two gallons must be immediately returned to the water. Shrimp dying in onshore holding facilities may be sold for bait use only, in lots not to exceed 16 ounces in weight.

\* \* \*

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:497(C).

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 3:210 (April 1977), amended LR 15:867 (October 1989), LR 19:215 (February 1993), LR 23: (January 1997).

Danny Babin  
Chairman

A Declaration of Emergency for Adjustment to the 1996/97 Oyster Seasons on the Public Grounds was given by Mr. Ron Dugas. The law allows the Commission to extend the oyster season past April 1 if circumstances warrant. The proposed extension would be from April 1 through April 30 and was the result of a massive

health closure. The area of the extension would be for all grounds except two areas, one on the east side of the Mississippi and the other in the Terrebonne system, that would close February 1, 1997. Commissioner Gisclair asked if Sister Lake would close in the Terrebonne system? Commissioner Gattle asked if the public grounds being discussed was different from the 400,000 acres of leased waterbottoms? Chairman Babin asked Mr. Dugas to read the Therefore Be It Resolved portion of the Resolution. Commissioner Carver made a motion to accept the Resolution and it was seconded by Commissioner Hanchey. The motion passed with no opposition.

(The full text of the Resolution is made a part of the record.)

#### RESOLUTION

##### Managerial Adjustment to the Remaining Portion of the 96/97 Oyster Season on the Public Grounds

Adopted by the  
Louisiana Wildlife and Fisheries Commission  
Louisiana Department of Wildlife and Fisheries

January 9, 1997

- WHEREAS,** R.S. 56:433 provides that the Public Oyster Seed Grounds may be opened on the Wednesday following Labor Day which in 1996 was September 4, and
- WHEREAS,** the oyster resources on the "Public Oyster Seed Grounds and Oyster Seed Reservations" were surveyed and the available supply and size variation has been determined, and
- WHEREAS,** the Wildlife and Fisheries Commission established the 96/97 season on the "Louisiana Public Oyster Seed Grounds and the Sister Lake, Hackberry Bay and Bay Gardene Oyster Seed Reservations" not currently under lease to open one-half hour before sunrise on September 4, 1996, and established the season in Calcasieu Lake, and
- WHEREAS,** these areas are scheduled to close on April 1, 1997, and
- WHEREAS,** there are provisions under R.S. 56:433 B(1) for extensions through May 15th of each season after considering the recommendations of the Oyster Task Force, and R.S. 56:433E allows for adjustments to the season, and
- WHEREAS,** R.S. 56:6(25)(a) allows the Commission, through its Secretary, to set seasons, times and places, based on biological and technical data for all fish for the

purposes of management of fishery species for the maximum continuing social and economic benefit to the State without over fishing, and

**WHEREAS,** the Louisiana Oyster Task Force members were presented with these recommendations at the December 12, 1996 meeting and voted in favor of the recommendation, now

**THEREFORE BE IT RESOLVED,** that the Sister Lake Oyster Seed Reservation shall close effective at 5 p.m. February 1, 1997 and remain closed for the remainder of the 96/97 public oyster season; and

**BE IT FURTHER RESOLVED,** that an area on the Breton Sound Public Oyster Seed Ground, Plaquemines Parish, inside a line running from the marker at Bayou Terre Boeufs, south to Snake Island, then to Lonesome Island, to Bell Island, south to the land mass on the south side of Bay Crabe, including the public grounds in Bay Gardene, Bay Crabe shall close at 5 p.m. February 1, 1997 and remain closed for the remainder of the season, and

**BE IT FURTHER RESOLVED,** that the open season on all of the remaining portions of the public grounds with the exception of Calcasieu Lake public tonging reef shall be extended to April 30, 1997 at 5 p.m., and

**BE IT FURTHER RESOLVED,** that the Secretary of the Department of Wildlife and Fisheries is authorized to take emergency action, if necessary, to close areas if oyster mortalities are occurring or to delay the season or close areas where significant spat catch has occurred with good probability of survival, or where it is found that there are excessive amounts of shell in seed oyster loads, and

**BE IT FURTHER RESOLVED,** that the Secretary will also have the authority to take emergency action to reopen areas previously closed if the threat to the resource has ended.

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Danny Babin, Chairman  
La. Wildlife & Fisheries  
Commission

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James H. Jenkins, Jr., Secretary  
La. Department of Wildlife and  
Fisheries

#### DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries  
Wildlife and Fisheries Commission

In accordance with the emergency provisions of the Administrative Procedure Act, R.S. 49:953(B) and 967, and under the

authority of R.S. 56:6(25)(a), R.S. 56:433 and R.S. 56:435.1, notice is hereby given that the Secretary of the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission hereby declare:

1. That the Sister Lake Oyster Seed Reservation shall close effective February 1, 1997 at 5 p.m. and remain closed for the remainder of the 96/97 public oyster season.

2. That an area on the Breton Sound Public Oyster Seed Ground inside a line running from the marker at Bayou Terre Boeufs, south to Snake Island, then to Lonesome Island, to Bell Island, south to the land mass on the south side of Bay Crabe, including the public grounds in Bay Gardene, Bay Crabe shall close on February 1, 1997 at 5 p.m. and remain closed for the remainder of the season.

3. That the open season on all of the remaining portions of the public grounds with the exception of Calcasieu Lake public tonging reef shall be extended to April 30, 1997 at 5 p.m.

Danny Babin  
Chairman

The **Monthly Law Enforcement Report for December** was given by Col. Winton Vidrine. The following numbers of citations were issued during the month of December.

Region I - Minden - 102 citations.

Region II - Monroe - 81 citations.

Region III - Alexandria - 243 citations.

Region IV - Ferriday - 145 citations.

Region V - Lake Charles - 156 citations.

Region VI - Opelousas - 180 citations.

Region VII - Baton Rouge - 230 citations.

Region VIII - New Orleans - 204 citations.

Region IX - Thibodaux - 222 citations.

Oyster Strike Force - 41 citations.

Statewide Strike Force - 40 citations.

Seafood Investigative Strike Force - 30 citations.



The aviation report for December 1996 showed enforcement pilots flew three airplanes a total of 76.2 hours for enforcement and 19.8 hours for other divisions and a total of 24 citations were issued. The grand total of citations issued statewide for the month of December was 1,674. Commissioner Carver expressed his appreciation for the cases made in Sabine Parish for night hunting. Chairman Babin asked if any cases had been made on the over 100 count for shrimp? Then he encouraged the agents to check shrimp boats because he had seen small shrimp coming in.

The first Division Report to be given was from Dr. Lyle Soniat on **New Information & Education Programs**. He began noting that 20,400 students received hunter education certification, 1,500 passed the bow hunter education course in 1996 and over 13,700 students attended aquatic education clinics and workshops. A rough copy of the Internet web page was presented to each Commissioner and then discussed by Dr. Soniat. A new program, Fun Camp-Families Understanding Nature-is intended for single parents with children. A loaner program of rods and reels and bait kits is available for youths to check out from the library. The marketing program was also going through an upgrading and revamping. Then Dr. Soniat showed a sample knife that would be available with the Department logo commemorating the 75th year of the Conservationist magazine. Commissioner Carver asked what will be the selling price for the knife? Dr. Soniat stated it would be sold to the public for \$150. Another new program targeted for fifth grade students was the teaching of basic environmental skills and concepts. Commissioner Carver asked if anyone with the Department does any work with the Tourist Commission or were there any plans for the future? Commissioner Cormier asked Dr. Soniat for his phone number so a school principal from Lafayette could reach him.

The next report, **Hydrilla in Louisiana**, began with Mr. Bennie Fontenot stating there is a real problem and possible pending disaster with this plant in Louisiana. Mr. Richard Brassette, Aquatic Plant Research & Control Section, gave a slide presentation on the biology, invasion and prognosis of hydrilla. Hydrilla, a plant introduced by the aquarium industry, has infestations that continue to expand throughout the United States. The plant can clog drainage and irrigation canals, can prevent boating access for fishing and other recreational activities, can impede commercial navigation, can replace more desirable native plants, can degrade water quality and decrease property values. In July 1973, the plant was first reported in Spanish Lake in Iberia Parish and has since become established in numerous waterbodies throughout the state. The growth of hydrilla was next explained by Mr. Brassette. The plant can grow in depths up to 50 feet and thrive in a variety of water conditions. Also explained was the reproduction cycle of hydrilla. Once hydrilla is established, eradication is practically impossible. Several options are available to control the plant such as herbicides, mechanical removal, biological control and lake drawdowns. The advantages and disadvantages of each option were

discussed. The most effective method of hydrilla control is with the sterile triploid grass carp. Lakes currently undergoing drawdown procedures for hydrilla control include Lake Bistineau, Chicot Lake, Henderson Lake and Spring Bayou. A very conservative estimate of 30,000 acres was the reported infestation of hydrilla. Mr. Brassette felt hydrilla would never be eradicated from Louisiana and a concerted effort should be made to educate the public to the danger of introducing exotic species to Louisiana's water resources.

An unidentified speaker asked Mr. Fontenot about the triploid grass carp stocked in Caney Lake. Mr. Fontenot stated the Department is trying to remove the carp from Caney Lake now. Then he noted a division report would be presented at the next Commission Meeting on Caney Lake.

Mr. Tony Vidrine gave a slide presentation on the **Oil Spill at Attakapas WMA**. A well blowout occurred in Union Oil No. 1 Canal on November 26, 1996. On December 1, 1996, oil condensate and brine was sprayed into the canal and surrounding forested areas. Approximately 4,000 to 4,500 barrels was sprayed into the environment until it was capped on December 5, 1996. The clean up began as soon as it was capped and would continue for another three months. Approximately 20 acres were heavily soiled and another 300 acres received light to moderate oiling. There were no reported dead wildlife in the area, but there were a few dead fish in the canals. A Natural Resource Damage Assessment may be pursued in the future depending on the final results. Commissioner Carver asked what percent of the oil could be cleaned up from both the water and the land? Mr. Vidrine stated the canals have been 95 percent cleaned up and it was undeterminable on the forested lands.

Secretary Jenkins stated the division reports would continue if the Commission agreed. He felt the hydrilla was a very serious matter and was more than just a Wildlife and Fisheries matter and felt the Legislature and Governor should be made aware of the possible impacts. Then on the oyster issue, he said there are 365,000 acres of oyster leases and the 75 farmers that were discussed earlier in the meeting only represents 1 percent of those acres. Chairman Babin asked, with it being prohibited to transport hydrilla from state to state, would it be possible to obtain federal funds also? Commissioner Carver stated he has seen hydrilla at its worst 25 years ago in Florida. Then he stated he enjoyed the division reports and asked that two areas be reported on at the next Commission meeting. Commissioner Cormier asked if the Department would continue looking into the matter of the hydrilla? Chairman Babin asked that some information be gathered for the next meeting or the following meeting?

Chairman Babin then asked if there were any **Public Comments**.

Mr. Hugh Smith, Baton Rouge, stated many duck hunters from the east zone have been disappointed this year with the numbers in Louisiana. He found out that 82 percent of the ducks were still in Missouri and southwest Illinois. He then asked the Department to prepare paperwork seeking an extension of 10 to 14 days in the east zone from the Federal Government. Then Mr. Smith asked about the regulation on creeping geese. He explained how the goose population was in danger of a tremendous die-off. Secretary Jenkins stated he had no objection to the extension especially after the expectations that were given. Commissioner Carver stated, due to the hot weather, he would like the deer season extended. Commissioner Hanchey also stated, if you request an extension for the east zone, why not include the west zone? Mr. Hugh Bateman stated Mr. Robert Helm would provide a complete report at the next Commission meeting. After the hunting season was over, hunter success would probably be better than most states. Also, the hunting from southeast Louisiana was reported as being exceptional. Secretary Jenkins stated if the information presented by Mr. Smith could be verified, he would seek an extension. Both Commissioner Hanchey and Commissioner Cormier asked the extension be for both the east and west zones.

Mrs. Marilyn Rotolo, Louisiana Seafood Management Council, stated they had one of the greatest hunting seasons in Venice in the last 10 years. Then she asked if the Council could receive a copy of assessment reports that are due to the legislature in accordance with Act 1316. Mr. John Roussel stated the reports are due to the legislature by March 1st, so a presentation would be made at the February Commission Meeting. Secretary Jenkins stated he did not feel the reports should be sent out until the Commission has a chance to review and approve them. Commissioner Cormier felt Secretary Jenkins was correct in that the reports should not be sent out while still in draft form. Mrs. Rotolo stated the Council wanted the reports only after they are approved.

Commissioner Gisclair stated the Commission has been involved in a lawsuit, and asked that copies of the summary judgement, and the basis for the judgement be provided to the Commission. Mr. Don Puckett stated the Department has not received anything in writing on the judgement in the case, Marceaux vs. State of Louisiana, et. al. The judgement was awarded in favor of the Plaintiff and an appeal will be taken. Commissioner Gisclair then asked if the members were identified in the class action suit and what would be the total dollar figure? Secretary Jenkins stated one question that needs to be answered is, will interest need to be paid. Mr. Puckett stated interest would be a big factor in determining a total figure.

Chairman Babin reminded everyone the next Commission meeting would be held on February 6, 1997 at 10:00 a.m. He then stated there was discussion to move the time from 10:00 a.m. to 1:00 p.m. and asked the pleasure of the Commission. Commissioner Gisclair

made a motion to change the time for the February 6 meeting to 1:00 p.m. and it was seconded by Commissioner Carver. The motion passed with opposition from Commissioner Gattle and Commissioner Cormier.

There being no further business, Commissioner Cormier made a motion to **Adjourn** the meeting.

  
\_\_\_\_\_  
James H. Jenkins, Jr.  
Secretary

JHJ:sch

MINUTES OF THE MEETING  
OF

LOUISIANA WILDLIFE AND FISHERIES COMMISSION

Thursday, January 9, 1997

Chairman Glynn Carver presiding.

Jerald Hanchey  
Perry Gisclair  
Joseph Cormier  
Daniel Babin  
Tom Gattle

Secretary James H. Jenkins, Jr. was also present.

Commissioner McCall was absent from the meeting.

Chairman Carver noted a new <sup>member</sup> person was appointed to the Commission and then asked Secretary Jenkins to introduce him. Secretary Jenkins stated Mr. Tom Gattle, replacing Commissioner Schneider, was an avid outdoorsman and business <sup>MAN</sup> from Lake Providence, Louisiana. He ~~then~~ felt Mr. Gattle was a good conservationist and ~~that he was~~ glad to have him on the Commission. Commissioner Gattle stated he was glad to be appointed to the Commission. He then asked for patience due to unfamiliarity <sup>with</sup> of the workings of the Commission or Department. He stated he looked forward to meeting everyone and getting to know everyone.

Chairman Carver called for a motion for approval of the **December 5, 1996 Commission Minutes**. A motion for approval was made by Commissioner Babin and seconded by Commissioner Gisclair. The motion passed with no opposition.

**Election of Chairman and Vice-Chairman** began with Chairman Carver stating the By-Laws of the Commission preclude him from being nominated for Chairman. He expressed his appreciation to the other Commission members and Department for the efforts made so the meetings would run smoothly. Chairman Carver then expressed his appreciation to Ms. Susan Hawkins and Mr. Don Puckett. A copy of recommended procedures for the ~~E~~lection was included in the packets. Commissioner Babin made a motion to adopt the recommended procedures and it was seconded by Commissioner Hanchey. Commissioner Gisclair asked if the decision was needed now to have the election viva voce or roll call? Mr. Puckett stated the Commission could decide then how they wanted to vote. Commissioner Gisclair made a substitute motion for the voting to occur <sup>with</sup> a show of hands. Commissioner Cormier seconded the motion and ~~passed~~ it with no opposition. Before nominations were taken, Chairman Carver stated as soon as a new Chairman was elected, he immediately takes over the meeting. Commissioner Hanchey made the nomination of Mr.

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Danny Babin as Chairman. Commissioner Cormier made a motion to close nominations and it was seconded by Commissioner Hanchey. The motion passed with no opposition. Commissioner Babin was elected Chairman by acclimation, stated Mr. Puckett. Chairman Babin thanked the other members for the vote of confidence. Then Chairman Babin asked for nominations for Vice-Chairman. Commissioner Cormier made the nomination of Mr. Perry Gisclair for Vice-Chairman. ~~Therefore~~ Commissioner Gisclair was elected Vice-Chairman by acclimation.

**Donation to Louisiana Wildlife & Fisheries Foundation by the Bayou State Bowhunters** began with Mr. Hugh Bateman announcing the great cooperation with the Department by the Bowhunters Association. He then asked Mr. Mike Colvin to come forward to make a presentation. Mr. Colvin stated he was proud to represent the Bayou State Bowhunters Association in making the presentation. The funds raised were from hard work and the commitment of a number of members from throughout the State. The shoot this year was held on Loggy Bayou and Sherburne Wildlife Management Area. Mr. Colvin expressed gratitude to Mr. Steve Hebert and Mr. John Sturgis who worked with the Department. A check in the amount of \$677.70 was presented for improvements on the Loggy Bayou campground. The check for the Sherburne WMA was for \$2,185.26 and ~~would be~~ *will* dedicated for the telemetry turkey study on the area.

**A Notice of Intent on the Experimental Dove Field Leasing Program** was given by Mr. Fred Kimmel. The Notice of Intent would establish rules for the dove leasing program. In 1994 this program began in response to decreasing opportunities for public dove hunting. The program leases private agricultural lands for one day hunts, generally the opening day of the split. An administrative fee is charged to offset the cost of the leases. If a violation should occur with this growing program, the rules would give the Department the opportunity of issuing a citation. The rules are intended to meet two objectives: *to provide a* safe and orderly hunt for the hunters and to protect the landowners property. A brief summary of the proposed rules was then given by Mr. Kimmel. Commissioner Carver asked how many people participated in the program and was the Department anticipating leasing more land this year? Commissioner Gisclair asked what is the time frame for the lease and was it only for dove hunting? Commissioner Cormier asked if there was a minimum amount of acres a landowner possessed? Commissioner Carver asked if there were any liabilities that might be overlooked? Mr. Kimmel stated discussions were held with the Legal staff and the consensus was the potential liability would be similar to those that ~~could occur~~ on the Wildlife Management Areas. Mr. Hugh Bateman stated his staff checked other states that have had successful programs and used their experiences in having the trial hunts. He then stated he has not heard of or known of any liability problems that have resulted from this type program. Mr. Bateman also added the Department would be happy to include any suggestions that could help alleviate any exposure to liability.

Commissioner Carver suggested the liability issue might be looked at further down the road. Mr. Puckett stated there is some potential exposure and also there is a statute that applies to landowners that provides ~~an~~ immunity from liability ~~from harm~~. Commissioner Hanchey made a motion to accept the Notice of Intent and it was seconded by Commissioner Cormier. The motion passed with no opposition.

(The full text of the Notice of Intent is made a part of the record.)

#### NOTICE OF INTENT

##### Department of Wildlife and Fisheries Wildlife and Fisheries Commission

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Wildlife and Fisheries Commission does hereby give notice of its intent to promulgate rules governing hunting on property leased for public dove hunting by the Department of Wildlife and Fisheries.

#### Title 76

#### WILDLIFE AND FISHERIES

#### Part XIX. Hunting

#### Chapter 1. Resident Game Hunting Seasons

#### §107. Experimental Dove Field Leasing Program

A. In recognition of the popularity of dove hunting and the lack of lands available to the general public for dove hunting, the Wildlife and Fisheries Commission establishes rules for an experimental public dove hunting program on private lands leased by the Department of Wildlife and Fisheries.

B. The following rules will apply to those lands which dove hunting rights have been leased by the Department of Wildlife and Fisheries for the day(s) specified in the lease.

1. All hunters are required to have a daily permit. This permit will be available at the field on the day of the hunt. Permits will be issued on a first come - first serve basis. An administrative fee may be charged for daily permits.

2. Leased fields may be closed to additional hunters when a predetermined number of permits have been issued. However, additional hunters may be admitted throughout the day as hunters leave the field and surrender their permits.

3. No alcoholic beverages may be consumed or possessed on the leased property. Persons who appear to be impaired or under the influence of alcohol or other controlled substances will be denied access to the field(s).

4. Shot larger than size 7 1/2 is prohibited.

5. Only mourning doves may be taken.

6. Loaded firearms are prohibited in vehicles or at check stations.

7. Persons exhibiting unsafe gun handling shall be removed from the field(s).

8. Vehicles are restricted to designated areas or roads.

9. No littering. Each hunter is responsible for removing his/her trash, including shell hulls, from the leased property.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:783 and 56:109B.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR .

The Secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the Commission to promulgate and effectuate this notice of intent and the final rule, including but not limited to, the filing of the fiscal and economic impact statement, the filing of the notice of intent and final rule and the preparation of reports and correspondence to other agencies of government.

Interested persons may comment on the proposed rule in writing to Mr. Hugh Bateman, Administrator, Wildlife Division, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000 until 4:30 p.m., Tuesday, March 4, 1997.

Danny Babin  
Chairman

Chairman Babin requested that the next item, **Discussion of Notice of Non-Renewal of Oyster Leases and Oyster Lease Moratorium**, be placed on the agenda. He was contacted by representatives of the oyster industry to discuss renewal of leases. Chairman Babin asked Mr. Mike Voisin to present their concerns. Mr. Mike Voisin, an oyster farmer, began by stating the oyster industry has supported saving the coast of Louisiana for the past 50 years. Oyster farming began back in the late 1800's under Governor Murphy Foster's administration with the creation of the current oyster



leasing system. The leasing system now comprises approximately 400,000 acres of private and over 1 million acres of public oyster <sup>bottoms.</sup> ~~acres~~. The total economic impact from the oyster industry is more than \$100 million per year and generates 10,000 jobs, directly and indirectly for south Louisiana. A packet of information was presented to each Commissioner. The packet contained a bill from the 1995 Legislature that said leasing of state waterbottoms should be done with hold harmless clauses; <sup>a</sup> list of members of the Oyster Coastal Restoration Mitigation Committee; leaseholder options for oyster lease mitigation from coastal restoration areas; a copy of the current lease used by the Department which contains a hold harmless clause; a record of Congressional Hearing asking for a credit against in-kind share of the Davis Pond project; a letter to <sup>the</sup> Governor, Secretary of DNR and DWF and Mr. Len Bahr relating to the Department considering not renewing oyster leases; a Notice of Non-Renewal of Oyster Leases which was sent to the 75 leaseholders listed in the packet; a letter to the coastal mitigation committee which would have developed a legislative packet; and a letter to the Governor and Mr. Bahr from the oyster industry and farmers who participated in the mitigation committee resigning from the committee and asking it be disbanded. Mr. Voisin asked that the non-renewal of oyster leases in coastal restoration areas be rescinded and the leaseholders be given the right to fair treatment that is not outside a process the other leaseholders would participate in. He further stated that there would be legislation passed this year and policies developed. Also, Mr. Voisin asked that the moratorium be lifted since the leaseholders have the ability to move their product, substrate and improvements and be able to take in new areas to put their products down on. The problem with the 75 leaseholders is setting a terrible precedent for the industry as a whole, stated Mr. Voisin. <sup>the</sup> Commissioner Carver asked how big is the industry and how long has leasing program been in effect? Then he asked who sets the amount per acre for the leasing and has it always been \$2 per acre? Mr. Voisin stated the legislature sets the leasing rate. Then Commissioner Carver asked how much does it cost for the Department to operate the leases and was it at a break even point? Secretary Jenkins stated, when he was on the Commission, it was costing the Department approximately \$3.5 million over a three year period more <sup>A</sup> then what was taken in to operate the oyster leases. Mr. Voisin explained an oyster lease was a barren waterbottom that was created with a substrate and move oysters onto and then plan three to five years later a harvestable product. Every aspect of oyster farming was hard work from the ground up to when you can eat them, stated Mr. Voisin. Commissioner Carver stated he asked for informational reasons and felt the oyster leasing should be at a break even point for the Department. <sup>THIS DOES NOT MAKE SENSE</sup> Chairman Babin asked if the decision to not renew the leases <sup>WAS</sup> based on the \$2 figure or other reasons? Secretary Jenkins stated the leases are for 15 years and the Department is not obligated to renew them even if improvements are made on the lease. The overall effort of the State <sup>is</sup> ~~was~~ a commitment to coastal restoration which generally resulted in

freshwater diversions and ~~resulting~~ in oysters not growing. An agreement with Department of Natural Resources has been entered into and the Department is obligated not to lease in areas DNR designates the freshwater will be in. Commissioner Gisclair stated he was under the impression when DNR made their presentation there would be a place to relocate the leases and then asked where did that stand now? Mr. Phil Bowman stated Department staff and DNR staff ~~has~~ been working with oyster industry representatives to develop a mitigation program which is becoming a very complex issue. A workshop was conducted which resulted in a model that would place a numerical value on the proposed impacted lease areas and relocation areas. Several versions of legislation have been drafted for the implementation of the mitigation process and it was hoped by the time the session begins, all parties could be united. Commissioner Gisclair stated the timetable he was given in May 1996 was not the same as what was being discussed now. Then he asked if the oyster farmers could move their oysters off the lease and were they given any notice? Mr. Don Puckett stated the farmers were given until July 1, 1997 to move their improvements off the lease. Commissioner Gisclair then asked if there would be any areas designated to move the oysters to from the affected areas. Chairman Babin stated with the passage of the moratorium, the oyster farmers can not only renew their lease, but they do not have the opportunity to get a new lease. Then he asked if the legislative process would give the Secretary authority to grant short term leases? Mr. Puckett stated the short term leases ~~was~~ were discussed and both DNR and Wildlife and Fisheries support that option. Then he informed the Commission there are four lawsuits filed by oyster lessees against the State claiming damages for coastal restoration, specifically freshwater diversions. The Department has to minimize its liability and the non-renewal of oyster leases was one way to do that. Chairman Babin asked, if legislation was passed this upcoming session granting the short term leases, then the affected leaseholders ~~would~~ not be impacted? Mr. Puckett stated the short term lease could be something the Department could look into. Commissioner Cormier stated the legal problem was if a 15 year lease was given and the freshwater diversion went into effect, the Department would have to buy out the farmer for the remainder of his time. The Department has their hands tied because they can not offer the leaseholders a one, two or three year lease. Secretary Jenkins stated the problem could be solved if the Department could change the terms of the lease. Mr. Voisin stated the Legislature has dealt with the problem with a bill stating a hold harmless clause would be included in the renewals. The legislation did not say it would not renew leases. Mr. Voisin felt the Department was being unfair to the 75 leaseholders and the problem would be resolved through an options packet being legislated this coming session. The Department has not done the fair and equitable thing for the citizens of the State and oyster farming industry in south Louisiana, stated Mr. Voisin.

Mr. Ralph Pausina, President of Louisiana Oyster Dealers and Growers Association, stated the 15 year leases began with 10 year renewals because some of the leases were made with transients. In order to make a farming operation, you would need a stable environment, stable product and stable sales. Mr. Pausina explained the different steps that are required to get a farming operation going. Then he stated his Association asked him to ask several questions to which they would like a response. These questions included: <sup>by</sup> does the Secretary have the authority and right to issue letter of non-renewal; does the Secretary have the authority to tell a citizen of Louisiana that he can remove oysters from unleased waterbottoms; does the Secretary have the authority to tell a citizen he can remove substrate from the waterbottoms; and does the Secretary have the authority to reserve unleased waterbottom for a specific purpose; and a moral question concerning giving the 6 month timeframe to remove improvements. Chairman Babin stated the Commission does not have the authority to do anything, but this was a legal issue. To answer the question of whether the Secretary has the authority, Chairman Babin felt he did <sup>that</sup> and further stated the Commission could not over rule. Commissioner Gisclair asked about Act 1362 and if he was reading correctly that no lessee could hold any loss, claims of loss or damages? Mr. Puckett stated a hold harmless clause has been placed in all leases and a Temporary Restraining Order has been issued to prevent the Department from issuing leases with the hold harmless clauses in it. With this in effect, the Department is not issuing any leases. Commissioner Gisclair asked if there is something that supersedes State law? Mr. Puckett stated the Plaintiffs are raising Constitutional challenges to the placement of the hold harmless clause in the lease.

Mr. Wilson Voisin, Jr., Chairman of the Louisiana Oyster Task Force, began <sup>by</sup> thanking Secretary Jenkins for recognizing the huge and substantial investments in their leases. He stated the real concern from all leaseholders was where would this lead to and not knowing what leases would fall within certain projects each year. <sup>d</sup> He thought this really discouraged investment into the waterbottoms and the possibility that the oyster industry would be gone. <sup>that raised</sup> Chairman Babin stated this was an issue that could be resolved today and that the Commission can not know about everything that goes on. He asked that the Commission be kept informed of what follows. <sup>the uncertainty</sup> <sup>Not</sup>

<sup>5</sup> Rule Ratification for the Special Bait Dealer's Permit was presented by Mr. Brandt Savoie. This rule would allow the fishermen to have two gallons of dead bait on board. There have been no public comment received on the proposed rule. Mr. Savoie then asked for a motion to adopt the rule. Commissioner Cormier made a motion to adopt the rule and it was seconded by Commissioner Carver. The motion passed with no opposition.

(The full text of the Rule is made a part of the record.)

RULE

Department of Wildlife and Fisheries  
Wildlife and Fisheries Commission

The Wildlife and Fisheries Commission does hereby amend the regulations governing the Special Bait Dealer's Permit (LAC 76:VII.329). Authority for adoption of this rule is included in R.S. 56:497(C).

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

Chapter 3. Saltwater Sport and Commercial Fishing

§329. Special Bait Dealer's Permit

\* \* \*

C. Operations

\* \* \*

3. No more than two gallons of dead shrimp may be aboard the vessel while it is operating under the permit. All dead shrimp in excess of two gallons must be immediately returned to the water. Shrimp dying in onshore holding facilities may be sold for bait use only, in lots not to exceed 16 ounces in weight.

\* \* \*

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:497(C).

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 3:210 (April 1977), amended LR 15:867 (October 1989), LR 19:215 (February 1993), LR 23: (January 1997).

Danny Babin  
Chairman

*WARRANT* A Declaration of Emergency for Adjustment to the 1996/97 Oyster Seasons on the Public Grounds was given by Mr. Ron Dugas. *PAST*  
~~The law allows the Commission to extend the oyster season passed~~  
April 1 if circumstances ~~presents itself~~. The proposed extension would be from April 1 through April 30 and was the result of a

massive health closure. The area of the extension would be for all grounds except two areas, one on the east side of the Mississippi and the other in the Terrebonne system, that would close February 1, 1997. Commissioner Gisclair asked if Sister Lake would close in the Terrebonne system? Commissioner Gattle asked if the public grounds being discussed was different from the 400,000 acres of leased waterbottoms? Chairman Babin asked Mr. Dugas to read the Therefore Be It Resolved portion of the Resolution. Commissioner Carver made a motion to accept the Resolution and it was seconded by Commissioner Hanchey. The motion passed with no opposition.

(The full text of the Resolution is made a part of the record.)

#### RESOLUTION

#### Managerial Adjustment to the Remaining Portion of the 96/97 Oyster Season on the Public Grounds

Adopted by the  
Louisiana Wildlife and Fisheries Commission  
Louisiana Department of Wildlife and Fisheries

January 9, 1997

- WHEREAS,** R.S. 56:433 provides that the Public Oyster Seed Grounds may be opened on the Wednesday following Labor Day which in 1996 was September 4, and
- WHEREAS,** the oyster resources on the "Public Oyster Seed Grounds and Oyster Seed Reservations" were surveyed and the available supply and size variation has been determined, and
- WHEREAS,** the Wildlife and Fisheries Commission established the 96/97 season on the "Louisiana Public Oyster Seed Grounds and the Sister Lake, Hackberry Bay and Bay Gardene Oyster Seed Reservations" not currently under lease to open one-half hour before sunrise on September 4, 1996, and established the season in Calcasieu Lake, and
- WHEREAS,** these areas are scheduled to close on April 1, 1997, and
- WHEREAS,** there are provisions under R.S. 56:433 B(1) for extensions through May 15th of each season after considering the recommendations of the Oyster Task Force, and R.S. 56:433E allows for adjustments to the season, and
- WHEREAS,** R.S. 56:6(25)(a) allows the Commission, through its Secretary, to set seasons, times and places, based on biological and technical data for all fish for the

purposes of management of fishery species for the maximum continuing social and economic benefit to the State without over fishing, and

**WHEREAS,** the Louisiana Oyster Task Force members were presented with these recommendations at the December 12, 1996 meeting and voted in favor of the recommendation, now

**THEREFORE BE IT RESOLVED,** that the Sister Lake Oyster Seed Reservation shall close effective at 5 p.m. **February 1, 1997** and remain closed for the remainder of the 96/97 public oyster season; and

**BE IT FURTHER RESOLVED,** that an area on the Breton Sound Public Oyster Seed Ground, Plaquemines Parish, inside a line running from the marker at Bayou Terre Boeufs, south to Snake Island, then to Lonesome Island, to Bell Island, south to the land mass on the south side of Bay Crabe, including the public grounds in Bay Gardene, Bay Crabe shall close at 5 p.m. **February 1, 1997** and remain closed for the remainder of the season, and

**BE IT FURTHER RESOLVED,** that the open season on all of the remaining portions of the public grounds with the exception of Calcasieu Lake public tonging reef shall be extended to **April 30, 1997** at 5 p.m., and

**BE IT FURTHER RESOLVED,** that the Secretary of the Department of Wildlife and Fisheries is authorized to take emergency action, if necessary, to close areas if oyster mortalities are occurring or to delay the season or close areas where significant spat catch has occurred with good probability of survival, or where it is found that there are excessive amounts of shell in seed oyster loads, and

**BE IT FURTHER RESOLVED,** that the Secretary will also have the authority to take emergency action to reopen areas previously closed if the threat to the resource has ended.

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Danny Babin, Chairman  
La. Wildlife & Fisheries  
Commission

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James H. Jenkins, Jr., Secretary  
La. Department of Wildlife and  
Fisheries

#### DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries  
Wildlife and Fisheries Commission

In accordance with the emergency provisions of the Administrative Procedure Act, R.S. 49:953(B) and 967, and under the

authority of R.S. 56:6(25)(a), R.S. 56:433 and R.S. 56:435.1, notice is hereby given that the Secretary of the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission hereby declare:

1. That the Sister Lake Oyster Seed Reservation shall close effective February 1, 1997 at 5 p.m. and remain closed for the remainder of the 96/97 public oyster season.

2. That an area on the Breton Sound Public Oyster Seed Ground inside a line running from the marker at Bayou Terre Boeufs, south to Snake Island, then to Lonesome Island, to Bell Island, south to the land mass on the south side of Bay Crabe, including the public grounds in Bay Gardene, Bay Crabe shall close on February 1, 1997 at 5 p.m. and remain closed for the remainder of the season.

3. That the open season on all of the remaining portions of the public grounds with the exception of Calcasieu Lake public tonging reef shall be extended to April 30, 1997 at 5 p.m.

Danny Babin  
Chairman

The **Monthly Law Enforcement Report for December** was given by Col. Winton Vidrine. The following numbers of citations were issued during the month of December.

Region I - Minden - 102 citations.

Region II - Monroe - 81 citations.

Region III - Alexandria - 243 citations.

Region IV - Ferriday - 145 citations.

Region V - Lake Charles - 156 citations.

Region VI - Opelousas - 180 citations.

Region VII - Baton Rouge - 230 citations.

Region VIII - New Orleans - 204 citations.

Region IX - Thibodaux - 222 citations.

Oyster Strike Force - 41 citations.

Statewide Strike Force - 40 citations.

Seafood Investigative Strike Force - 30 citations.

The aviation report for December 1996 showed enforcement pilots flew three airplanes a total of 76.2 hours for enforcement and 19.8 hours for other divisions and a total of 24 citations were issued. The grand total of citations issued statewide for the month of December was 1,674. Commissioner Carver expressed his appreciation for the cases made in Sabine Parish for night hunting. Chairman Babin asked if any cases had been made on the over 100 count for shrimp? Then he encouraged the agents to check shrimp boats because he had seen small shrimp coming in.

The first **Division Report** to be given was from Dr. Lyle Soniat on **New Information & Education Programs**. He began noting that 20,400 students received hunter education certification, 1,500 passed the bow hunter education course in 1996 and over 13,700 students attended aquatic education clinics and workshops. A rough copy of the Internet web page was presented to each Commissioner and then discussed by Dr. Soniat. A new program, Fun Camp-Families Understanding Nature-is intended for single parents with children ~~to outdoor skills~~. A loaner program of rods and reels and bait kits is available for youth to check out from the library. The marketing program was also going through an upgrading and revamping. Then Dr. Soniat showed a sample knife that would be available with the Department logo commemorating the 75th year of the Conservationist magazine. Commissioner Carver asked what will be the selling price for the knife? Dr. Soniat stated it would be sold to the public for \$150. Another new program targeted for fifth grade students was the teaching of basic environmental skills and concepts. Commissioner Carver asked if anyone with the Department does any work with the Tourist Commission or ~~where~~ <sup>were</sup> there any plans for the future? Commissioner Cormier asked Dr. Soniat for his phone number so a school principal from Lafayette could reach him.

The next report, **Hydrilla in Louisiana**, began with Mr. Bennie Fontenot stating there ~~was~~ <sup>pending</sup> a real problem and possible disaster with this plant in Louisiana. Mr. Richard Brassette, Aquatic Plant Research & Control Section, gave a slide presentation on the biology, invasion and prognosis of hydrilla. Hydrilla, an introduced plant by the aquarium industry, has infestations that continue to expand throughout the United States. The plant can clog drainage and irrigation canals, can prevent boating access for fishing and other recreational activities, ~~impede commercial~~ <sup>CAN</sup> navigation, can replace more desirable native plants, ~~degrade water~~ <sup>CAN</sup> quality and decrease property values. In July 1973, the plant ~~was~~ <sup>SINCE</sup> first reported in Spanish Lake in Iberia Parish and has become established in numerous waterbodies throughout the state. The growth ~~habits~~ of hydrilla was next explained by Mr. Brassette. The plant can grow in depths up to 50 feet and thrives in a variety of water conditions. Also explained was the reproduction cycle of hydrilla. Once hydrilla is established, eradication is practically impossible. Several options are available to control the plant such as herbicides, mechanical removal, biological control and lake



drawdowns. The advantages and disadvantages of each option were discussed. The most effective method of hydrilla control is with the sterile triploid grass carp. Lakes currently undergoing drawdown procedures for hydrilla control include Lake Bistineau, Chicot Lake, Henderson Lake and Spring Bayou. A very conservative estimate of 30,000 acres was the reported infestation of hydrilla. *Hydrilla* Mr. Brassette felt ~~Louisiana~~ *LOUISIANA* would never be eradicated from ~~hydrilla~~ and a concerted effort should be made to educate the public to the danger of introducing exotic species to Louisiana's water resources.

*is* An unidentified speaker asked Mr. Fontenot about the triploid grass carp stocked in Caney Lake. Mr. Fontenot stated the Department ~~are~~ trying to remove the carp from Caney Lake now. Then he noted a division report would be presented at the next Commission Meeting on Caney Lake.

*Received* Mr. Tony Vidrine gave a slide presentation on the Oil Spill at Attakapas WMA. A well blowout occurred in Union Oil No. 1 Canal on November 26, 1996. On December 1, 1996, oil ~~condensating~~ *condensate and* brine was sprayed into the canal and surrounding forested areas. Approximately 4,000 to 4,500 barrels was sprayed into the environment until it was capped on December 5, 1996. The clean up began as soon as it was capped and would ~~continued~~ *there were* for another three months. Approximately 20 acres were heavily soiled and another 300 acres ~~of~~ light to moderate oiling. There were no reported dead wildlife in the area, but ~~did find~~ a few dead fish in the canals. A Natural Resource Damage Assessment may be pursued in the future depending on the final results. Commissioner Carver asked what percent of the oil could be cleaned up from both the water and the land? Mr. Vidrine stated the canals have been 95 percent cleaned up and it was undeterminable on the forested lands.

Secretary Jenkins stated the division reports would continue if the Commission agreed. He felt the hydrilla was a very serious matter and was more than just a Wildlife and Fisheries matter and felt the Legislature and Governor should be made aware of the possible impacts. Then on the oyster issue, *he said* there are 365,000 acres of oyster leases and the 75 farmers that were discussed earlier in the meeting only represents 1 percent of those acres. Chairman Babin asked ~~with it being prohibited to transport hydrilla from state to state,~~ would it be possible to obtain federal funds also? Commissioner Carver stated he has seen hydrilla at its worst 25 years ago in Florida. Then he stated he enjoyed the division reports and asked that two areas be reported on at the next Commission meeting. Commissioner Cormier asked if the Department would continue looking into the matter of the hydrilla? Chairman Babin asked that some information be gathered for the next meeting or the following meeting?

Chairman Babin then asked if there were any Public Comments.

Mr. Hugh Smith, Baton Rouge, stated many duck hunters from the east zone have been disappointed this year with the numbers in Louisiana. He found out that 82 percent of the ducks were still in Missouri and southwest Illinois. He then asked the Department to prepare paperwork seeking an extension of 10 to 14 days in the east zone from the Federal Government. Then Mr. Smith asked about the regulation on creeping geese. He explained how the goose population was in danger of a tremendous die-off. Secretary Jenkins stated he had no objection to the extension especially after the expectations that were given. Commissioner Carver stated <sup>due</sup> due to the hot weather, he would like the deer season extended. Commissioner Hanchey also stated, if you request an extension for the east zone, why not include the west zone? Mr. Hugh Bateman stated Mr. Robert Helm would provide a complete report at the next Commission meeting. After the hunting season was over, hunter success would probably be better than most states. Also, the hunting from southeast Louisiana was reported as being exceptional. Secretary Jenkins stated if the information presented by Mr. Smith could be verified, he would seek an extension. Both Commissioner Hanchey and Commissioner Cormier asked the extension be for both the east and west zones.

Mrs. Marilyn Rotolo, Louisiana Seafood Management Council, stated they had one of the greatest hunting seasons in Venice ~~over~~ <sup>over</sup> the last 10 years. Then she asked if the Council could receive a copy of assessment reports that are due to the legislature in accordance with Act 1316. Mr. John Roussel stated the reports are due to the legislature by March 1st, so a presentation would be made at the February Commission Meeting. Secretary Jenkins stated he did not feel the reports should be sent out until the Commission has a chance to review and approve them. Commissioner Cormier felt Secretary Jenkins was correct in that the reports should not be sent out while still in draft form. Mrs. Rotolo stated the Council wanted the reports only after they are approved.

Commissioner Gisclair stated the Commission has been involved in a lawsuit, and asked that copies of the summary judgement, <sup>AND</sup> the basis for the judgement be provided to the Commission. Mr. Don Puckett stated the Department has not received anything in writing on the judgement in the case, Marceaux vs. State of Louisiana, et. al. The judgement was awarded in favor of the Plaintiff and an appeal will be taken. Commissioner Gisclair then asked if the members were identified in the class action suit and what would be the total dollar figure? Secretary Jenkins stated one question that needs to be answered is, will interest need to be paid. Mr. Puckett stated interest would be a big factor in determining a total figure.

Chairman Babin reminded everyone the next Commission meeting would be held on February 6, 1997 at 10:00 a.m. He then stated there was discussion to move the time from 10:00 a.m. to 1:00 p.m. and asked the pleasure of the Commission. Commissioner Gisclair

made a motion to change the time for the February 6 meeting to 1:00 p.m. and it was seconded by Commissioner Carver. The motion passed with opposition from Commissioner Gattle and Commissioner Cormier.

There being no further business, Commissioner Cormier made a motion to **Adjourn** the meeting.

---

James H. Jenkins, Jr.  
Secretary

JHJ:sch

# EDGE FOOTBALL/OUTDOORS



Associated Press photo

new Tide coach Mike Dubose after Rudd made the senior season.

## Rudd turns pro year joins ranks of early entrants

### LY ENTRANTS

- ro. junior, Northwestern
- cb. junior, Virginia
- o. junior, Arizona State
- wr. junior, San Diego State
- o. de. junior, Florida State
- o. de. junior, Kansas State
- de. junior, Texas Tech
- o. junior, Iowa State
- o. junior, Washington
- o. te. junior, California
- o. junior, Miami
- o. rb. junior, Texas Tech
- de. junior, Miami
- o. s. junior, Miami
- ot. junior, Ohio State
- te. junior, Clemson
- lb. junior, Alabama
- o. dt. junior, Southern California
- o. junior, Indiana
- o. s. cb. junior, Ohio State
- o. n. db. junior, Oregon

season opener against Idaho for NCAA rules violations, missed the Oklahoma game with a knee injury and played in only one series the next week against Hawaii.

Blackwell's departure will break up a receiving trio that would have been regarded among the nation's best next season. Az Hakim caught 36 passes for 635 yards and five TDs last year before breaking his leg in the seventh game. Leandrew Childs had 52 catches for 745 yards and six TDs. Hakim and Childs will be seniors.

Blackwell said his decision had nothing to do with the fact that the Aztecs will have an unproven quarterback next year following the graduation of Billy Blanton. Blanton became just the second player in school history to have consecutive 3,000-yard seasons and finished his career with 8,165 yards and 67 touchdowns, 29 in 1996.

"This decision is basically for me and my family. It has nothing to do with the program," said Blackwell, who's from Oakland. "Everybody here has been great to me and it's worked out well, and I feel like it's time for me to go."

■ **NEBRASKA'S WISTROM STAYING PUT:** In Lincoln, Neb., All-American defensive end Grant Wistrom says he is not yet ready to play in the NFL.

The junior from Webb City, Mo., announced Thursday he plans to stay at Nebraska for his senior season later this year.

"We hope that this will benefit him in the long term," Nebraska

of Miami with 42 catches, 10 touchdowns and three touch-down games last season. "I want to go pro," said Green, along with main Mack and defensive end Lang, who've also decided to go pro, will hurt the chances of Miami, which is limited by NCAA sanctions, can't recruit from Lake City, Fla., said Blackwell. "I don't care which team serves what place he's taken."

Blackwell said his decision had nothing to do with the fact that the Aztecs will have an unproven quarterback next year following the graduation of Billy Blanton. Blanton became just the second player in school history to have consecutive 3,000-yard seasons and finished his career with 8,165 yards and 67 touchdowns, 29 in 1996.

## LDWF's Jenkins to seek more days for duck season

Move to try to offset 'poor' hunting

By **JOE MACALUSO**  
Advocate outdoors writer

Hugh Smith stunned the gathering at the Louisiana Wildlife and Fisheries Commission meeting Thursday when he asked the seven-man board and Department of Wildlife and Fisheries biologists to ask for additional days for the state's duck hunters.

The Baton Rouge hunter said the consensus around the state is that "duck hunting has been poor, and we're very disappointed with it especially after reading that we would have 89 million ducks this year."

Smith said several sources confirmed that most Louisiana-bound ducks were holding in Illinois and Missouri before the current cold wave sent them south.

"We just have not seen the numbers that should have been here," Smith said. "That's why I'm asking for additional days. There is a precedent, I believe in the late 1960s, when the department got more days for the season."

LDWF Wildlife Division administrator Hugh Bateman said he didn't recall the year Smith described, but confirmed Smith's assessment about the low numbers of ducks.

Department secretary Jimmy Jenkins Jr. said with only a few days left in the season — the West Zone's season ends Thursday and the East Zone's final day is Jan. 19 — the department will contact the U.S. Fish and Wildlife Service seeking the additional days.

Smith's plea came after an even more impassioned plea from oysterman Mike Voison, who said the LDWF has been "totally unfair" in not renewing the state-waterbottom leases for 75 oyster growers.

In December, the department informed the 75 lease holders that their 15-year, \$2-per-acre leases would not be renewed. The leases are in freshwater-diversion project areas, which would be rendered ineffective for growing oysters when the projects were completed. The letter gave the 75 oystermen until July 1 to remove oysters and the bottom-hardening material used to make the oyster beds.

Voison, from Houma, said the problem was that the LDWF had also declared a moratorium on issuing new oyster leases and the 75 oystermen had no place to move their oysters.

Jenkins said the LDWF was following the instructions of the Department of Natural Resources,

which is directing the diversion projects. He said the problem is that the projects will be completed during the 15-year lease period and would subject the state to legal challenge from the oystermen for ruining their leases.

Voison said a 1995 "hold harmless" law — Act 1362 — would relieve the state from any legal challenge from the oystermen.

"If the State Legislature would give us the chance to lease for one, two or three years, then we could solve the problem," Jenkins said. "Right now, state law allows us to lease for 15 years that's all."

Voison said the moratorium and non-renewing decisions will be very costly to the 75 farmers, that the amount of hard material used to make productive beds involves a five-year process, with three more years needed to raise market-sized oysters.

Jenkins said the 4,000 acres involved in the decision is a small percentage of the state's 365,000 acres leased for oyster production.

In other action:

- Houma shrimp wholesaler Daniel Babin was elected to chair the commission for the year, and Perry Gislair from Golden Meadow to continue as vice-chairman;
- voted in new regulations for a Special Bait Dealer's Permit;
- passed a Notice of Intent for rules governing the Wildlife Division's Experimental Dove Field Leasing Program;
- accepted donations from the Bayou State Bowhunters totaling \$2,862 for projects at Sherburne and Loggy Bayou wildlife management areas;
- heard reports about the early December oil spill in the Atchafalaya Basin, increasing waterway problems with fast-growing hydrilla and new Information and Education section programs;
- and, changed the time of its Feb. 6 meeting in Baton Rouge from 10 a.m. to 1 p.m.

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COMMISSION MEETING  
ROLL CALL

Thursday, January 9, 1997  
Baton Rouge, LA  
Wildlife & Fisheries Building

	Attended	Absent
Glynn Carver (Chairman)	<u>✓</u>	<u>      </u>
Perry Gisclair	<u>✓</u>	<u>      </u>
Tom Gattle	<u>✓</u>	<u>      </u>
Daniel Babin	<u>✓</u>	<u>      </u>
Joseph Cormier	<u>✓</u>	<u>      </u>
Jerald Hanchey	<u>✓</u>	<u>      </u>
Norman McCall	<u>      </u>	<u>✓</u>

Mr. Chairman:

There are 96 Commissioners in attendance and we have a quorum.  
Secretary Jenkins is also present.

## AGENDA

LOUISIANA WILDLIFE AND FISHERIES COMMISSION  
BATON ROUGE, LA  
January 9, 1997  
1:00 PM

- ✓1. Roll Call
- ✓2. Approval of Minutes of December 5, 1996
- ✓3. Election of Chairman and Vice-Chairman
- ✓4. Donation to Louisiana Wildlife & Fisheries Foundation by the Bayou State Bowhunters - Hugh Bateman
- ✓5. Notice of Intent - Experimental Dove Field Leasing Program - Fred Kimmel
- ✓6. Discussion of Notice of Non-Renewal of Oyster Leases and Oyster Lease Moratorium - Danny Babin
- ✓7. Rule Ratification - Special Bait Dealer's Permit - Brandt Savoie
- ✓8. Declaration of Emergency - Adjustment to the 1996/97 Oyster Seasons on the Public Grounds - Ron Dugas
- ✓9. Enforcement & Aviation Reports/December - Winton Vidrine
10. Division Reports
  - ✓a. New Information & Education Programs
  - ✓b. Hydrilla in Louisiana
  - ✓c. Oil Spill, Attakapas WMA
- ✓11. Public Comments
12. Adjourn

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## Recommended Procedure for Election of Chairman and Vice Chairman (According to Article IV of the Bylaws)

### I. Election Procedure

Chair entertains motion to adopt the recommended procedure, subject to whatever changes the Commission deems appropriate.

- Include within this motion or in a subsequent motion, the method of voting: viva voce or roll call. (See II.D. below.)

### II. Chairman

#### A. Chair entertains nominations for chairman

- Any number may be nominated.
- No second required for nominations.
- Chairman may not serve succeeding terms.

#### B. When it appears that no further nominations are forthcoming, the Chair can declare nominations closed.

#### C. When nominations are closed, the chair will call for votes for each of the persons nominated - in the order of nomination.

#### D. Voting must be by:

1. Viva voce, in which case the Chair would say: "All in favor of 'X' "for Chairman, say 'Aye'" (this may be combined with a show of hands) or
2. Roll call, in which case each member, when called upon, states his preference for Chairman from among the nominees.

#### E. When any nominee receives a majority vote of the members present, then voting ceases and he is declared Chairman.



- F. In the event that there are more than two nominees for Chairman and no nominee receives a majority vote of those present, then the balloting should be repeated as many times as necessary until one candidate obtains a majority vote. If second and subsequent balloting is required, all nominees are kept on the ballot.
- G. Chairman-elect takes possession of his office immediately upon election.

### III. Vice-Chairman

When a Chairman is declared, then the Commission proceeds to elect a Vice-Chairman using the same procedure set out above for Chairman. (Vice-Chairman can succeed himself.)

- ### IV. Points of Order - All objections, questions or points of order concerning the above procedure or the election must be made prior to adjournment of this meeting.

## NOTICE OF INTENT

### Department of Wildlife and Fisheries Wildlife and Fisheries Commission

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Wildlife and Fisheries Commission does hereby give notice of its intent to promulgate rules governing hunting on property leased for public dove hunting by the Department of Wildlife and Fisheries.

## Title 76

### WILDLIFE AND FISHERIES

#### Part XIX. Hunting

#### Chapter 1. Resident Game Hunting Seasons

#### §107. Experimental Dove Field Leasing Program

A. In recognition of the popularity of dove hunting and the lack of lands available to the general public for dove hunting, the Wildlife and Fisheries Commission establishes rules for an experimental public dove hunting program on private lands leased by the Department of Wildlife and Fisheries.

B. The following rules will apply to those lands which dove hunting rights have been leased by the Department of Wildlife and Fisheries for the day(s) specified in the lease.

1. All hunters are required to have a daily permit. This permit will be available at the field on the day of the hunt. Permits will be issued on a first come - first serve basis. An administrative fee may be charged for daily permits.

2. Leased fields may be closed to additional hunters when a predetermined number of permits have been issued. However, additional hunters may be admitted throughout the day as hunters

leave the field and surrender their permits.

3. No alcoholic beverages may be consumed or possessed on the leased property. Persons who appear to be impaired or under the influence of alcohol or other controlled substances will be denied access to the field(s).

4. Shot larger than size 7 1/2 is prohibited.

5. Only mourning doves may be taken.

6. Loaded firearms are prohibited in vehicles or at check stations.

7. Persons exhibiting unsafe gun handling shall be removed from the field(s).

8. Vehicles are restricted to designated areas or roads.

9. No littering. Each hunter is responsible for removing his/her trash, including shell hulls, from the leased property.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:783 and 56:109B.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR .

The Secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the Commission to promulgate and effectuate this notice of intent and the final rule, including but not limited to, the filing of the fiscal and economic impact statement, the filing of the notice of intent and final rule and the preparation of reports and correspondence to other agencies of government.

Interested persons may comment on the proposed rule in writing to Mr. Hugh Bateman, Administrator, Wildlife Division, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000 until 4:30 p.m., Tuesday, March 4, 1997.

Chairman

## **Program Summary Public Dove Hunting Leases**

The leasing of private land by the Department of Wildlife and Fisheries for public dove hunting began in 1994, in response to decreasing opportunities for the general public to hunt doves. Dove hunting is one of the most popular small game hunting activities in Louisiana, with approximately 60,000 hunters participating annually. However, due to land leasing, increased posting, and landowner liability concerns, access to agricultural lands for dove hunting has become increasingly difficult for the average hunter. Since 1982, the number of dove hunters in Louisiana has declined by 56%. Much of this decline is thought to be due to lack of opportunity.

Since 1994, 4174 acres have been leased from 20 landowners across the state. Twenty-two hunts have been held with 2137 hunters participating in these hunts (see attached). Fields are leased for opening day of the first or second split only. The program has been well received by hunters and participating landowners. Hunters have been appreciative of having a place to hunt, and even on those hunts with poor success rates, the response by hunters has been very positive. Landowners receive a lump sum payment based on the acreage leased, and by leasing to the Department, their liability exposure is lessened.

An administrative fee is charged each hunter, and is intended to help cover the costs of the lease. During the first 3 years the fee has been \$5.00 per hunter. We are considering an increase in this fee for the 1997 season. The lease rates we pay landowners have increased each year as we have attempted to attract more landowners. The administrative fee paid by hunters has remained unchanged.

Leases are signed within 1 week, and often within 3 days of the hunt. Only those fields holding a large concentration of doves are leased. On the morning of the hunts, daily permits are issued at each field on a first-come, first-serve basis. When a predetermined number of permits are issued, the field is closed to additional hunters. Hunters are advised of the rules and reminded of basic hunter safety. We try to stress that the property is privately owned, and future access depends on responsible and ethical conduct by the hunters. Department personnel are present for the entirety of the hunt.

Except for the shot size restriction, the rules we are asking you to adopt have been in place since the beginning of this program. We have had very few problems with violations of these rules. However, as the program continues to grow, we believe there should be some formal rules in place so that if violations occur, a citation can be issued or a hunter can be removed from the field. These rules are intended to help us maintain a safe and orderly hunt, as well as, protect the landowner's property.

Dove hunt summary statistics for LDWF leased properties, 1994-96.

Location	Date	Acres	Number of Hunters	Doves Bagged	Bag per Hunter
Sunset	09/03/94	75	96	404	4.2
LeBeau	09/03/94	280	208	805	3.9
Wisner	09/03/94	60	22	129	5.9
Wisner	09/03/94	65	23	139	6.0
Wisner	09/03/94	60	24	193	8.0
Coushatta	09/03/94	53	40	9	0.2
LeBeau	09/04/94	280	143	28	0.2
Coushatta	09/04/94	53	0	-	-
LeBeau	10/15/94	402	138	184	1.3
Thornwell	10/15/94	350	76	6	<0.1
Thornwell	10/15/94	160	18	11	0.6
Oak Grove	09/02/95	60	54	85	1.6
Wisner	09/02/95	60	37	205	5.5
Gilbert	09/02/95	175	55	112	2.0
Welsh	09/02/95	690	385	50	0.1
Simmsport	09/02/95	68	93	197	2.1
Epps	09/07/96	240	79	225	2.9
Marksville	09/07/96	116	91	23	0.3
Wilmer	09/07/96	56	40	35	0.9
Wilmer	09/07/96	322	216	868	4.0
Erwinville	09/07/96	189	205	568	2.8
Erwinville	10/19/96	360	94	451	4.8
Total		4174	2137	4727	2.2

### Lease of Property for Public Dove Hunting

Whereas, dove hunting in Louisiana is a popular sport and lands open to public dove hunting are few; and

Whereas, the Louisiana Department of Wildlife and Fisheries (LDWF) endeavors to increase hunting opportunities for the people of Louisiana; and,

Whereas, pursuant to the Louisiana Revised Statutes Title 56:783, the Louisiana Wildlife and Fisheries Commission has the authority to lease and establish public hunting grounds;

Now, Therefore, \_\_\_\_\_, (the "Landowners(s)") hereby grant to the LDWF the right to establish a public dove hunting area, subject to LDWF rules and regulations, on the following described property:

\_\_\_\_\_ acres located \_\_\_\_\_

In consideration therefore, the LDWF agrees to pay the amount of \$\_\_\_\_\_ within 30 days of completion of the contract. Payment shall be sent to \_\_\_\_\_

(name, address and zip code)

The responsibility for payment of taxes from the funds thus received under this agreement shall be the obligation of the recipient and identified under Federal Tax Identification Number \_\_\_\_\_

The landowner(s) agree(s):

- 1) That public dove hunting will be allowed after 12:00 p.m. on \_\_\_\_\_, 19\_\_\_\_, in accordance with LDWF rules and regulations.
- 2) That the LDWF may collect an administrative fee from hunters utilizing the property during the designated public hunting day(s).
- 3) That the LDWF may enforce all applicable laws and regulations, including prohibition of alcoholic beverages on the hunting area.
- 4) That prior to the date(s) for public hunting the LDWF will be granted access to inspect and/or post the field.
- 5) That the area has not been, nor will be baited, and that the field(s) will not be planted in wheat, ryegrass, or other winter crop prior to the public hunting day(s). Should baiting or planting occur prior to the public hunting day(s), the LDWF will be immediately notified and this contract will be canceled.
- 6) Not to cancel this contract, as the LDWF will commit personnel and resources in expectation of its execution.

The LDWF agrees:

- 1) To furnish and post appropriate signs.
- 2) To enforce applicable laws and regulations.
- 3) To restrict hunting to the taking of doves.
- 4) To prohibit use and possession of alcoholic beverages on the hunting area.
- 5) To have LDWF personnel on site to regulate hunt activities.

Special Conditions: \_\_\_\_\_

Liability: Landowner liability is limited by Louisiana Revised Statutes 9:2795 which generally states that a landowner does not incur liability for injury to persons or property on lands leased to the LDWF unless there is willful or malicious failure to warn against a dangerous condition, use, structure, or activity.

\_\_\_\_\_  
Landowner

\_\_\_\_\_  
Date

\_\_\_\_\_  
Landowner

\_\_\_\_\_  
Date

\_\_\_\_\_  
Fredrick J. Prejean, Sr., Undersecretary, LDWF

\_\_\_\_\_  
Date

\_\_\_\_\_  
James H. Jenkins, Jr., Secretary, LDWF

\_\_\_\_\_  
Date

**Regular Session, 1995**

**SENATE BILL NO. 1362**

**BY SENATOR HEITMEIER AND REPRESENTATIVE PATTI**

**AN ACT**

**To amend and reenact R.S. 49:214.5 and to enact R.S. 49:214.6, relative to coastal restoration projects; to provide for overriding public interest in coastal restoration projects; to provide for language to be incorporated into leases, permits, and licenses; and to provide for related matters.**

**Be it enacted by the Legislature of Louisiana:**

**Section 1. R.S. 49:214.5 is hereby amended and reenacted and R.S. 49:214.6 is hereby enacted to read as follows:**

**§214.5. State and political subdivisions of the state held harmless in coastal restoration; licensees and permittees**

**A. Notwithstanding any other law to the contrary, the state of Louisiana, its political subdivisions, and its agents or employees shall be held free and harmless from any claims for loss or damages to rights arising under any lease, permit, or license granted to any individual or other entity for any purpose on state lands or waterbottoms from diversions of freshwater or sediment, depositing of dredged or other materials or any other actions, taken for the purpose of management, preservation, enhancement, creation or restoration of coastal wetlands, waterbottoms or related renewable resources.**

**B. All departments, agencies, boards, or commissions of the state of Louisiana and its political subdivisions shall include language**



which shall hold the state and its political subdivisions harmless for the purposes set out in this Section in all leases, permits, or licenses granted to any individual or other entity after July 1, 1995.

**§214.6. Legislative oversight**

Any rule, regulation, or guideline developed pursuant to this Subpart shall be proposed or adopted pursuant to the rulemaking procedures set forth in the Administrative Procedure Act.

Section 2. This Act is intended to be remedial in nature and delineates legislative intent and shall be retroactive as it applies to any leases, permits, or licenses granted to any individual or other entity on state lands and waterbottoms whose rights may be affected by coastal restoration projects.

Section 3. This Act shall become effective on July 1, 1995.

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**PRESIDENT OF THE SENATE**

---

**SPEAKER OF THE HOUSE OF REPRESENTATIVES**

---

**GOVERNOR OF THE STATE OF LOUISIANA**

**APPROVED:** \_\_\_\_\_

**OYSTER COASTAL RESTORATION MITIGATION COMMITTEE**

**Membership List**

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**OYSTER COASTAL RESTORATION MITIGATION COMMITTEE  
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**Page 4**

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RESOLUTION

WILDLIFE AND FISHERIES COMMISSION

May 2, 1996

Moratorium on New Oyster Lease Applications, For New Acreage

WHEREAS, the Secretary of the Department of Wildlife and Fisheries pursuant to R.S. 56:425 has the authority to lease state waterbottoms to residents of the state for the purpose of oyster cultivation, and

WHEREAS, the Department of Natural Resources is in the process of constructing coastal restoration projects to conserve and restore coastal vegetated wetlands, and

WHEREAS, the restoration of these vegetated wetlands will benefit the fish and wildlife resources of the state, and

WHEREAS, as a result of saltwater intrusion, the areas of optimum oyster production have shifted northward, and

WHEREAS, as a result of these coastal restoration projects the area of optimum oyster production may change, and

WHEREAS, in an effort to develop a mechanism to value areas as to their suitability for oyster production, the Department of Wildlife and Fisheries and the Department of Natural Resources hosted a workshop that was attended by representatives of the Louisiana Oyster Industry as well as representatives of academia and private industry, and

WHEREAS, one of the consensus recommendations of the workshop was to have a moratorium on the taking of oyster lease applications for new acreage through January 1, 1997, and

WHEREAS, in order to set up the relocation areas, mitigation methodologies and recommend legislative changes that may be necessary, it will be necessary to extend the moratorium on the taking of oyster lease applications through January 4, 1998,

NOW THEREFORE BE IT RESOLVED, the Wildlife and Fisheries Commission does hereby establish a moratorium on the taking of new oyster lease applications for new acreage through January 4, 1998, and

## **LEASEHOLDER OPTIONS FOR OYSTER LEASE MITIGATION FROM COASTAL RESTORATION ACTIONS**

Upon establishment of probable impact areas resulting from coastal restoration projects, the following options for the leaseholder shall apply; exchange of lease, relocation of lease, retention of lease and purchase of lease.

1. Exchange of lease.
  - A. Assessment of cost of exchange.
  - B. Procedure for leaseholder compensation by the State.
  - C. Setup procedures to accomplish this option.
  - D. This option is thought to be an "in-kind" exchange (envisioned as a continuance of operation).
2. Relocation of the lease to another area outside the probable impact area resulting from coastal restoration actions.
  - A. Assessment of cost of relocation.
  - B. Procedure for leaseholder compensation by the state.
  - C. Relocation of the lease to an area not currently under lease and not currently in a public oyster seed area or public oyster seed reservation, and not in the probable impact area resulting from coastal restoration actions.
    1. All costs of relocation, including but not limited to, applicable state fees; i.e., application and survey fees, would be part of the cost of the coastal restoration project.
    2. Water bottom in the relocation area to be planted with clutch material at the rate of 50 to 100 cubic yards per acre or planted with seed oysters for growout.
  - D. Relocation of the lease to an area in the closest public oyster seed area or public oyster seed reservation; or newly made redline area cut out of a public seed area or seed reservation.
    1. All cost of relocation, including but not limited to, applicable state fees; i.e., application and survey fees would be part of the cost of the coastal restoration project.

2. Water bottom in the relocation area to be planted with clutch material at the rate of 50 to 100 cubic yards per acre or planted with seed oysters for growout.

E. Setup relocation procedures to accomplish this option (envisioned as a new start-up operation).

3. Retain lease

A. Damage assessment of leases in the area.

B. Payment of such damages to lease in impacted lease.

C. Leaseholder retains lease with clause stating that there will be no more claims; i.e., leaseholder gives right of way to coastal restoration projects.

D. Leaseholder accepts the perils of operating in impacted area with no recourse beyond the original payment of damages.

E. Setup retention procedures to accomplish this option.

F. This lease will thereafter contain a subservience clause.

4. Purchase of lease and improvements from lessee by the state.

A. Value assessment of leases in impacted areas.

B. Outright purchase of the lease and redline it as a public area.

C. Establishment of retraining programs for displaced oyster leaseholders.

1. Establish new training programs to prepare displaced oyster farmers to take the U.S. Coast Guard 100 ton exam, etc.

2. A reduction or a waiving of fees to allow displaced oyster farmers to attend state operated vo-tech schools to become certified in a new vocation.

3. A reduction or a waiving of the fees to allow displaced oyster farmers to attend one of the state's universities.

D. Setup purchase procedures to accomplish this option.



**Other possibilities**

**Leaseholders in impacted area to be reimbursed by coastal restoration project for severance tax on oysters**

**Leaseholders in impacted area to be reimbursed by coastal restoration project for tag fees.**

No. \_\_\_\_\_

## LEASE OF WATER BOTTOMS FOR OYSTER PURPOSES

STATE OF LOUISIANA, PARISH OF EAST BATON ROUGE  
THE DEPARTMENT OF WILDLIFE AND FISHERIES OF LOUISIANA, through its Secretary,  
hereinafter referred to as "Lessor," hereby leases unto

\_\_\_\_\_  
of \_\_\_\_\_, Parish of \_\_\_\_\_, hereinafter referred to as  
"Lessee," qualified to lease water bottoms for oyster purposes in this State,  
in accordance with Application No. \_\_\_\_\_ registered on the \_\_\_\_\_ day of  
\_\_\_\_\_ 19\_\_\_\_, the oyster bedding ground surveyed by \_\_\_\_\_,  
Surveyor, on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, and the plans of survey filed  
with this Department on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, located in the Parish of  
\_\_\_\_\_ and described as follows, to wit:

### CONDITIONS

#### **Navigation And Oil Field Activity**

This lease is issued under the condition that it is subservient to navigation, maintenance of navigation, and all normal, usual and permissible oil field activity which has been sanctioned by the State of Louisiana through a prior existing lease, permit, or contract.

#### **Future Litigation**

Lessee hereby acknowledges that pending or future litigation may affect his rights in this lease; and Lessee agrees to hold the Department of Wildlife and Fisheries and/or the Wildlife and Fisheries Commission harmless and assume all risk for any and all impairment of his rights which may occur as a result of any order or judgement of court, including, but not limited to, cancellation or revocation of this lease or a portion of the acreage hereunder, and/or for any loss which may occur as a result thereof.

#### **Coastal Wetlands Restoration Advisory**

Lessor hereby formally advises and Lessee acknowledges the following: The State has undertaken, and intends to undertake, a number of coastal restoration projects, including freshwater diversion projects, within the State. The decision to undertake these projects was based upon the need to conserve, restore, create, and enhance coastal wetlands as well as dependent fish and wildlife populations through a number of methods, including the recreation of the historical role of the Mississippi River system, which formerly not only nourished but also established these wetlands prior to the construction of the Mississippi River levee system. Inasmuch as these wetlands continue to disappear at an alarming rate, it is necessary to partially divert the flow of a number of the rivers, streams, canals, bayous, and other water bodies within the State of Louisiana, or to move dredge spoil or conduct other coastal restoration projects to re-establish these wetlands. As a result, it is possible, if not probable, that these coastal restoration projects may have some adverse effect on the waters and water bottoms, as well as on any oysters on some of the State water bottoms leased to oyster fishermen.

The State is obligated pursuant to Article IX, Section I of the Louisiana Constitution as well as the public trust doctrine associated therewith, to undertake these coastal restoration projects so as to protect Louisiana's natural resources for the benefit of the people of the State. Accordingly, pursuant to the Louisiana Constitution and the public trust doctrine, the State as Lessor hereby conveys to Lessee a limited interest in the water bottom which is described in this lease, subject to the conditions that: (1) this lease is subservient to the State's past, present or future coastal restoration projects; (2) the State's coastal restoration projects may cause adverse effects in the area of this lease; and, (3) the State is only issuing this lease based upon the mutual understanding of both the State and Lessee that Lessee's property interest conveyed by this lease shall not include any right whatsoever to make claims against the State as a result of freshwater diversion or any other coastal restoration projects provided that, the State and the United States shall remain responsible for their own (1) acts or omissions which are not reasonably related to the legitimate governmental objective for which the policy-making or discretionary power of the State and/or the United States exists; or (2) acts or omissions which constitute criminal, fraudulent, malicious, outrageous, reckless, or flagrant misconduct.

By executing this lease, Lessee hereby acknowledges that lessee has read the entire contents of this lease and that Lessee is aware that these coastal restoration projects may have adverse effects on the waters and water bottoms, as well as on any oysters located on this oyster lease. Despite awareness of these facts, Lessee still wishes to execute this lease and cultivate the leasehold for the purpose of producing and harvesting oysters. At the same time, the State agrees that immediately following the issuance of each approved annual Coastal Wetlands Conservation and Restoration Plan, the State will make a good faith effort to advise Lessee by regular mail at the last known address given by Lessee if it appears that this lease may be adversely affected by any planned or approved projects contained in that Plan. Further, prior to January 1 of each successive year of this Lease, the State will make a good faith effort to advise Lessee by regular mail at the last known address given by Lessee if it appears that this lease may be adversely affected by any existing projects constructed under the auspices of the aforementioned plan.

#### **Allocation Of Risk and Liability, And Indemnification**

Lessee further acknowledges that Lessee has no intent to pursue any claims for damages against the State of Louisiana and/or the Wildlife and Fisheries Commission and/or the State's departments and agencies, related to or arising out of or resulting from coastal restoration projects contained in an approved annual Coastal Wetlands Restoration Plan and undertaken by the State for the benefit of the people of Louisiana, including, but not limited to, freshwater diversion projects. Further, in consideration of the issuance of this lease, Lessee shall assume all liability and risk of loss, and agrees that this lease is subservient to all past, present or future coastal restoration projects as described above. Lessee also agrees to indemnify and hold the political subdivision(s) wherein lies the acreage associated with this oyster lease, and any political subdivision which has implemented or may implement a coastal restoration project affecting this oyster lease as well as the State of Louisiana, and/or the United States, their officials, representatives, employees, agencies, departments and/or commissions, harmless from and for, all loss, damage, costs and/or expense in any way associated with this oyster lease and the oysters, cultch, reefs and beds located therein, including any loss, sustained by the Lessee and any affiliated persons or entities working with or through Lessee, arising out of, connected with, incident to, or directly or indirectly resulting from or related to diversion of freshwater or sediment, depositing of dredged spoil or other material or any other action taken pursuant to coastal restoration projects undertaken by the State and/or the United States, their officials, agents, representatives, employees, agencies, departments and/or commissions, for the benefit of the people of the State of Louisiana. Such coastal restoration activities include, but are not limited to, the management, preservation, enhancement, creation or restoration of coastal wetlands, water bottoms or dependent fish and wildlife populations. Damages include, but are not limited to, oyster mortality, oyster disease, damaged oyster beds or decreased oyster production, loss of revenue and/or loss of income due to siltation, changes in salinity, pollution or other causes, regardless of the passive, concurrent, active or sole negligence of the State of Louisiana and/or the United States, their officials, agents, representatives, employees, agencies, departments and/or commissions, and regardless of whether liability without fault, strict liability, absolute liability, or liability for inverse condemnation, liability for a "taking" in violation of the constitutions of the United States or the State is alleged or imposed upon the State and/or the United States, their officials, representatives, employees, agencies, departments and/or commissions.

**VENUE**

Any lawsuit (1) contesting the validity of this lease or any of the provisions thereof, (2) asserting any right granted hereunder or related hereto; (3) seeking the performance of any duty imposed herein; (4) arising in any manner out of or in any way connected to this lease or any provision thereof, or, (5) stating any claim against the State or any agency, officer, department, official, representative or employee of the State under any theory of law, including, but not limited to tort, breach of contract, abuse of or challenge to agency discretion, inverse condemnation, unconstitutional "takings," equity, or administrative relief, or any action arising out of or in any way related to damages or losses associated with this lease and/or the oysters, cultch, reefs, water bottoms, water condition, and/or beds located therein shall only be maintained in the Nineteenth Judicial District Court for the Parish of East Baton Rouge, State of Louisiana.

**OTHER CONDITIONS**

This lease is issued in accordance with Act 201 of 1980 which amended and reenacted Section 426 of Title 56 of the Louisiana Revised Statutes relative to the renewal of oyster leases for Louisiana water bottoms. Resurvey and plan are required and will be made subsequent to the beginning date of any renewal of this lease.

This lease shall begin on the date hereof and shall expire on January 1st, 20 \_\_\_\_\_.

The rent shall be Two and No/100 Dollars (\$ \$2.00 ) per acre, or any fraction of an acres, per annum. The receipt of the rent paid in advance at the time of the signing of this lease up to the first day of next January to wit:

The sum of \_\_\_\_\_ Dollars (\$ \_\_\_\_\_ ) is

herewith acknowledged, and annually thereafter the sum of Two and No/100 Dollars (\$ 2.00 ) per acre of any fraction of an acre shall be paid in advance, on or before the first day of January in each year until the expiration of this original lease.

This lease is issued and the water bottoms herein leased shall be held subject to the provisions of R.S.56:421 through 451, both inclusive, and the rules and regulations of the Department as provided in said Act.

This lease is made and accepted subject to the provisions of R.S. 49:214.5 and R.S. 49:214.6 and to any and all changes in the laws of Louisiana or the regulations of the Department of Wildlife and Fisheries of Louisiana, on the subject of the yearly rental, the time and manner of payment, the notice of rental, delinquency, and the mode and manner of forfeiture hereof; and all such changes shall be held and considered as if written into this lease at the time of its signing.

This lease is also subject to Department policies not stipulated by regulations.

**STATE OF LOUISIANA  
DEPARTMENT OF WILDLIFE  
AND FISHERIES OF LOUISIANA**

\_\_\_\_\_  
Lessee

APPROVED: \_\_\_\_\_  
Chief Surveyor

Thus done and signed in triplicate at

Baton Rouge, Louisiana, this \_\_\_\_\_

day of \_\_\_\_\_,

By: \_\_\_\_\_  
**Under Secretary for Department of  
Wildlife and Fisheries of Louisiana**

## H11180

## CONGRESSIONAL RECORD—HOUSE

September 25, 1996

189901.52 east 846884.44, thence turning and running south 65 degrees 52 minutes 03.5 seconds east 547.66 feet returning to a point north 190286.41 east 846884.51.

(6) The portion commencing at a point north 199647.41 east 845233.25 a line running north 43 degrees 09 minutes 33.1 seconds east 787.15 feet to a point north 200287.01 east 845350.00, thence turning and running north 11 degrees 04 minutes 24.3 seconds west 380.08 feet to a point north 200580.01 east 845487.00, thence turning and running north 22 degrees 05 minutes 50.8 seconds east 1332.36 feet to a point north 201814.50 east 845983.21, thence turning and running north 02 degrees 54 minutes 15.7 seconds east 15.0 feet to a point north 201829.43 east 845983.97, thence turning and running south 24 degrees 56 minutes 42.3 seconds west 1410.29 feet returning to the point north 200350.75 east 845354.18.

(7) REDUCED CHANNEL.—The portion of the project for navigation, Federal, Massachusetts, referred to in subparagraph (A) upstream of a line designated by the 2 points north 189663.18 east 844688.40 and north 189350.35 east 844544.50 is redesignated as an anchorage area.

(15) MYSTIC RIVER, MASSACHUSETTS.—The following portion of the project for navigation, Mystic River, Massachusetts, authorized by section 101 of the River and Harbor Act of 1950 (84 Stat. 184): The 35-foot deep channel beginning at a point on the northern limit of the existing project, N50624.78, E717600.27, thence running easterly about 1000.00 feet along the northern limit of the existing project to a point, N50603.43, E716581.33, thence running southerly about 40.00 feet to a point, N50603.94, E71580.81, thence running westerly about 1009.00 feet to a point, N506204.29, E717581.85, thence running northerly about 40.00 feet to the point of origin.

(16) REVEREND CHANNEL, BOSTON, MASSACHUSETTS.—The portion of the project for navigation, Reverend Channel, Boston, Massachusetts, authorized by section 101(a)(1) of the Water Resources Development Act of 1980 (104 Stat. 407), that consists of a 40-foot deep channel beginning at a point along the southern limit of the authorized project, N486301.22, E324246.54, thence running northerly about 54 feet to a point, N486465.52, E732244.97, thence running easterly about 2,835 feet to a point, N486527.38, E73170.41, thence running southerly about 41 feet to a point, N486474.87, E731222.55, thence running westerly about 2,867 feet to the point of origin.

(17) WYBOUTH-FORD AND TOWN RIVERS, MASSACHUSETTS.—The following portions of the project for navigation, Wybouth-Ford and Town Rivers, Boston Harbor, Massachusetts, authorized by section 301 of the River and Harbor Act of 1953 (79 Stat. 1063):

(A) The 35-foot deep channel beginning at a bend on the southern limit of the existing project, N457384.01, E741109.74, thence running westerly about 685.25 feet to a point, N457334.84, E740708.86, thence running southerly about 652.60 feet to another bend in the southern limit of the existing project, N457132.00, E748283.00, thence running northerly about 857.74 feet along the southern limit of the existing project to the point of origin.

(B) The 15 and 35-foot deep channels beginning at a point on the southern limit of the existing project, N457183.41, E739903.49, thence running northerly about 111.39 feet to a point, N457775.37, E739900.76, thence running westerly about 692.37 feet to a point, N457303.40, E738208.96, thence running southerly about 190.01 feet to another point on the southern limit of the existing project, N457231.17, E739032.41, thence running easterly about 873.87 feet along the southern limit of the existing project to the point of origin.

(18) COCHICHEO RIVER, NEW HAMPSHIRE.—(A) IN GENERAL.—The portion of the project for navigation, Cochicheo River, New Hampshire, authorized by the 1st section of the Act entitled

"An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved September 19, 1890 (26 Stat. 436), and consisting of a 7-foot deep channel that lies northerly of a line the coordinates of which are N253298.31, E713095.36, and N255334.51, E713132.61.

(B) MAINTENANCE DREDGING.—Not later than 18 months after the date of the enactment of this Act, the Secretary shall perform maintenance dredging for the remaining authorized portions of the Federal navigation channel under the project described in subparagraph (A) to restore authorized channel dimensions.

(19) MORRISTOWN HARBOR, NEW YORK.—The portion of the project for navigation, Morristown Harbor, New York, authorized by the 1st section of the Act entitled "An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved January 21, 1937 (50 Stat. 1014), that lies north of the northern boundary of Morris Street extended.

(20) OSWEGATCHIE RIVER, OSWEGATCHIE, NEW YORK.—The portion of the Federal channel of the project for navigation, Oswegatchie Harbor, New York, authorized by the 1st section of the Act entitled "An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved June 25, 1910 (36 Stat. 535), and modified by the 1st section of the Act entitled "An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved August 30, 1935 (49 Stat. 7037), that is in the Oswegatchie River in Oswegatchie, New York, from the southernmost alignment of the Route-66 bridge upstream to the northernmost alignment of the Lake Street bridge.

(21) CONNEAUT HARBOR, OHIO.—The most southerly 300 feet of the 1,670-foot long Shore Arm of the project for navigation, Conneaut Harbor, Ohio, authorized by the 1st section of the Act entitled "An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved June 25, 1910 (36 Stat. 533).

(22) LORAIN SMALL BOAT BASIN, LAKE ERIE, OHIO.—The portion of the Federal navigation channel, Lorain Small Boat Basin, Lake Erie, Ohio, authorized pursuant to section 107 of the River and Harbor Act of 1950 (33 U.S.C. 577) that is situated in the State of Ohio, County of Lorain, Township of Black River and is a part of Original Black River Township Lot Number 1, Tract Number 1, further known as being submerged lands of Lake Erie owned by the State of Ohio, and that is more definitely described as follows:

Commencing at a drill hole found on the centerline of Lakeland Avenue (60 feet in width) at the intersection of the centerline of the East Shorearm of Lorain Harbor, that point being known as United States Corps of Engineers Monument No. 203 (N539012.20, E208853.84).

Thence, a line north 75 degrees 26 minutes 12 seconds west, a distance of 387.87 feet to a point (N58109.73, E2088163.47). This point is hereinafter in this paragraph referred to as the "principal point of beginning".

Thence, north 58 degrees 14 minutes 11 seconds west, a distance of 50.00 feet to a point (N58135.05, E2089720.96).

Thence, north 67 degrees 49 minutes 32 seconds west, a distance of 665.16 feet to a point (N57785.00, E2088505.00).

Thence, north 68 degrees 13 minutes 52 seconds west, a distance of 551.38 feet to a point (N577902.82, E2087653.88).

Thence, north 29 degrees 17 minutes 42 seconds east, a distance of 114.18 feet to a point (N58001.60, E2088006.75).

Thence, south 68 degrees 11 minutes 40 seconds east, a distance of 477.00 feet to a point (N577965.57, E2088406.51).

Thence, north 68 degrees 11 minutes 06 seconds east, a distance of 801.35 feet to a point (N58210.26, E2089045.35).

Thence, north 35 degrees 11 minutes 34 seconds east, a distance of 89.52 feet to a point (N58243.47, E2089006.88).

Thence, south 20 degrees 56 minutes 30 seconds east, a distance of 106.03 feet to the principal point of beginning (N58109.73, E2088163.47) and containing within such bounds 2.81 acres, more or less, of submerged land.

(23) APPONAUG COVE, RHODE ISLAND.—The following portion of the project for navigation, Apponaug Cove, Rhode Island, authorized by section 101 of the River and Harbor Act of 1950 (74 Stat. 480), consisting of the 6-foot deep channel: Beginning at a point, N221269.63, E513089.12, thence running northerly to a point, N223346.31, E512798.54, thence running southerly to a point, N221251.78, E512773.41, thence running southerly to a point, N223378.00, E513085.00, thence running northerly to the point of beginning.

(24) PORT WASHINGTON HARBOR, WISCONSIN.—The following portion of the navigation project for Port Washington Harbor, Wisconsin, authorized by the 1st section of the Act entitled "An Act making appropriations for the repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes, for the fiscal year ending June thirtieth, eighteen hundred and seventy-one", approved July 11, 1870 (16 Stat. 723): Beginning at the north-west corner of the project at Channel Pt. No. 36, of the Federal Navigation Project, Port Washington Harbor, Ozaukee County, Wisconsin, at coordinates N512620.83, E2536215.64, thence 180 degrees 21 minutes 35 seconds, a distance of 178.32 feet, thence 196 degrees 47 minutes 17 seconds, a distance of 574.80 feet, thence 270 degrees 54 minutes 25 seconds, a distance of 485.80 feet, thence 178 degrees 56 minutes 17 seconds, a distance of 130.05 feet, thence 87 degrees 17 minutes 06 seconds, a distance of 519.22 feet, thence 104 degrees 58 minutes 31 seconds, a distance of 178.33 feet, thence 115 degrees 47 minutes 53 seconds, a distance of 244.18 feet, thence 25 degrees 12 minutes 04 seconds, a distance of 310.00 feet, thence 294 degrees 45 minutes 50 seconds, a distance of 390.20 feet, thence 16 degrees 58 minutes 16 seconds, a distance of 670.30 feet, thence 266 degrees 01 minutes 25 seconds, a distance of 190.78 feet to Channel Pt. No. 36, the point of beginning.

SEC. 301. MISSISSIPPI DELTA REGION, LOUISIANA.

The Mississippi Delta Region project, Louisiana, authorized as part of the project for hurricane-flood protection on Lake Pontchartrain, Louisiana, by section 204 of the Flood Control Act of 1965 (79 Stat. 1077), is modified to direct the Secretary to provide a credit to the State of Louisiana toward its non-Federal share of the cost of the project. The credit shall be for the cost incurred by the State in developing and relocating oyster beds to offset the adverse impacts on active and productive oyster beds in the Davis Pond project area. The credit shall be subject to such terms and conditions as the Secretary deems necessary and shall not exceed \$7,500,000.

SEC. 307. MONONGAHELA RIVER, PENNSYLVANIA.

The Secretary may make available to the Southwestern Pennsylvania Growth Fund (a regional industrial development corporation) as an additional cost to the United States, dredged and excavated materials resulting from construction of the new gated dam at Braddock, Pennsylvania, as part of the Locks and Dams 2, 3, and 4, Monongahela River, Pennsylvania, navigation project, to support environmental restoration of the former United States Steel Duquesne Works brownfield site—

(1) if the Pennsylvania Department of Environmental Protection issues a "no further action" decision or a mitigation plan for the site

5-646

**Louisiana Oyster Growers and Dealers Association  
&  
Louisiana Oyster Task Force**

---

November 15, 1996

The Honorable Mike Foster  
Governor, State of Louisiana  
Post Office Box 94004  
Baton Rouge, Louisiana 70804-9004

Len Bahr, Chairman  
Governor's Office of Coastal Activity  
Post Office Box 94396  
Baton Rouge, Louisiana 70804

Jack Caldwell, Secretary  
Department of Natural Resources  
Post Office Box 94396  
Baton Rouge, Louisiana 70804

James Jenkins, Secretary  
Department of Wildlife and Fisheries  
Post Office Box 98000  
Baton Rouge, Louisiana 70898

Dear Sirs:

It has recently come to our attention that the Louisiana Department of Wildlife and Fisheries (LDWF) has began to consider not renewing oyster leases that are in coastal restoration areas as identified by the Louisiana Department of Natural Resources (LDNR). Having served on the Louisiana Oyster Mitigation Committee for approximately eighteen months, we do not believe that this action is within the spirit of the committee's direction.

We have worked diligently to develop a mitigation process to overcome adverse impacts to oyster farmers. The committee is preparing a legislative package that they will soon distribute for your review. Throughout our involvement with the committee it has been our understanding that oyster leases within areas that may be impacted by coastal restoration projects would be provided with options for relocation etc. and that new leases within this area would have hold harmless clauses relating to damages from coastal restoration projects to protect the state and its political subdivisions. In some areas where the beneficial use of dredge material may be used for

coastal restoration purposes it has been discussed that a hold harmless clause will not be satisfactory for the Army Corps of Engineers and that oyster leases in these small well defined areas will be only given the option of relocating or exchanging and that leasing in these areas may be prohibited. Obviously there are complex issues to address but the Mitigation Committee is making progress. We strongly believe it would be a mistake for LDWF and LDNR to take these issues into their own hands by developing leasing policies that have not been run through the committee.

Our recommendation to you is that oyster leases that are not being considered for renewal in coastal restoration areas be renewed with a hold harmless clause to protect the state and that the lessees be provided with the options developed by the mitigation committee. We would also suggest that appropriate maps be made available for review by the LDNR at LDWF facilities that delineate those areas that are being considered as potential coastal restoration impact areas where oyster leases exist. We would also suggest that renewal lease holders be notified with their renewals that their lease is in a potential coastal restoration impact area, and that they should review the appropriate maps at LDWF. These maps should also contain areas identified by the Army Corps of Engineers for beneficial use of dredge material. We would further suggest that new applications for oyster leases with hold harmless clauses be granted in coastal restoration impact areas. Also, LDWF should grant no new applications in beneficial use of dredge material areas and current lessees in these areas should be provided with the options of relocating or exchanging these leases.

Thank you for your consideration of this very serious matter. We look forward to continuing to work with you to resolving the issues confronting the Oyster Coastal Mitigation Committee and to keeping Louisiana as the number one oyster producer in the United States.

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Ralph Pausina, President  
Louisiana Oyster Dealers & Growers Association

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Mitch Jurisich, Jr.  
Plaquemines Oyster Association

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Sam Slavich,  
Louisiana Oyster Dealers & Growers Association

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Wilson Voisin, Jr. Chairman  
Louisiana Oyster Task Force

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Mike Voisin, Vice Chairman  
Gulf Oyster Industry Council

December 16, 1996

**NOTICE OF NON-RENEWAL OF OYSTER LEASE**

Mr.

Dear Sirs:

The Louisiana Revised Statutes provide the framework through which the state leases water bottoms for oyster cultivation, including the 15 year lease term and the time frame for lease renewal. The law requires that lessees be notified of non renewal prior to the expiration of the lease on December 31.

In consideration of the overall best interest of the state, the Louisiana Department of Wildlife and Fisheries is exercising its discretion at this time to not renew the lease of state water bottoms No. \_\_\_\_ for \_\_\_\_ acres. Therefore, your lease will expire on December 31, 1996, at 12:00 midnight. Please be advised, pursuant to this notice, you are authorized until July 1, 1997, to remove all improvements from this lease.

It is the intent of the Department to work with the oyster industry and the Legislature to address issues related to the interface of the oyster industry and current leasing practices with the state's overall Coastal Restoration Program during the 1997 Regular Session of the Legislature which begins in March.

Please be advised that if in the future the Department decides to issue a new lease for the same water bottoms, or any part thereof, we will attempt to give you the first opportunity to lease these water bottoms.

Sincerely,

James H. Jenkins, Jr.



Buddy Rasmussen  
2 pages

List of  
Oyster  
Leases per  
your re-  
quest.  
Phil B.

Leases  
Cancelled

26062 21 KENNETH R FOX 3678 HWY 39 BRAITHWAITE LA 70040  
26067 17 JIM A BOYD PO BOX 58 BOOTHVILLE LA 70038  
26076 47 MERRILL V PEREZ PO BOX 198 VIOLET LA 70092  
26125 3 JERREL J BURAS 11207 JEFFERSON ISLAND RD NEW IBERIA LA 70360  
26126 5 JOSEPH JURISICH, JR. 8730 MORRISON RD NEW ORLEANS LA 70127  
26135 8 CURT PANNAOL PO BOX 298 PT A LA HACHE LA 70082  
26161 10 MATHEW D ZIRLICH 4508 GARY MIKEL METAIRIE LA 70082  
26174 12 NEDO TESVICH RT 2 BOX 147 PORT SULPHUR LA 70083  
26177 13 KENNETH A FOX 3678 HWY 39 BRAITHWAITE LA 70040  
26178 61 DALE E FOX 3678 HWY 39 BRAITHWAITE LA 70040  
26236 14 GERALDINE G AVENEL PO BOX 266 ST BERNARD LA 70085  
26259 53 WILLIAM L GUERRA 3118 GINA DR ST BERNARD LA 70085  
26260 4 JOSEPH FRANCEVICH, JR. 772 MARLENE DR GRETNA LA 70053  
26261 15 JOSEPH FRANCEVICH & SONS 772 MARLENE DRIVE GRETNA LA 70053  
26503 21 ADOLPH BROS PO BOX 1104 PORT SULPHUR LA 70083  
26506 16 WESTSIDE OYSTER FARMS INC 63150 ANDREW BANKSTON ROAD AMITE LA 70422  
26508 305 LISA TESVICH 2432 ORIOLE ST NEW ORLEANS LA 70122  
26312 61 PETER J TESVICH 2432 ORIOLE ST NEW ORLEANS LA 70122  
26319 13 MITCHELL D. LULICH & ANTHONY J. LULICH PO BOX 533 BELLE CHASSE LA 70037  
26320 16 MITCHELL D. LULICH & ANTHONY J. LULICH PO BOX 333 BELLE CHASSE LA 70037  
26362 30 ALLIED TOWING SERVICE, INC. PO BOX 472 VENICE LA 70091  
26372 12 STONE ENERGY CORPORATION 625 S KALISTE SALOOM RD LAFAYETTE LA 70505  
26377 54 ALBERT AVENEL, JR. 1301-B BAYOUD ST BERNARD LA 70085  
26378 75 ALBERT AVENEL, JR. 1301-B BAYOUD ST BERNARD LA 70085  
26401 35 KEVIN JOSEPH REDDICK & ARTHUR A. REDDICK, JR. GENERAL DELIVERY DAVANT LA 70046  
26402 21 BYRON LEE ENCALADE 3924 LAKE ARROWHEAD DR HARVEY LA 70058  
26408 47 FOX OYSTER CO INC 3678 HWY 39 BRAITHWAITE LA 70040  
26409 63 ROGER CORNWALL & JAMES EVANS, JR RT 1 BOX 804 ST BERNARD LA 70085  
26418 45 FOX SEAFOOD INC 3678 HWY 39 BRAITHWAITE LA 70040  
26420 10 SOPHY ANN IANCICH PO BOX 694 BELLE CHASSE LA 70037  
26421 27 SOPHY ANN IANCICH PO BOX 694 BELLE CHASSE LA 70037  
26422 19 SOPHY ANN IANCICH PO BOX 694 BELLE CHASSE LA 70037  
26423 42 SOPHY ANN IANCICH PO BOX 694 BELLE CHASSE LA 70037  
26425 31 FOX SEAFOOD INC 3678 HWY 39 BRAITHWAITE LA 70040  
26426 40 SOPHY ANN IANCICH PO BOX 694 BELLE CHASSE LA 70037  
26427 11 SOPHY ANN IANCICH PO BOX 694 BELLE CHASSE LA 70037  
26434 23 DALE E FOX 3678 HWY 39 BRAITHWAITE LA 70040  
26436 42 LIONEL R SERIGNE, JR. 825 FLORISANT HWY ST BERNARD LA 70085  
26437 11 LIONEL R SERIGNE, JR. 825 FLORISANT HWY ST BERNARD LA 70085  
26438 110 LIONEL R SERIGNE, JR. 825 FLORISANT HWY ST BERNARD LA 70085  
26439 19 GARY SERCOVICH PO BOX 472 VENICE LA 70091  
26453 13 DRAGUTIN POPICH PO BOX 172 EMPIRE LA 70050  
26454 11 DRAGUTIN POPICH PO BOX 172 EMPIRE LA 70050  
26456 154 LIONEL R SERIGNE, JR. 825 FLORISANT HWY ST BERNARD LA 70085  
26457 71 LIONEL R SERIGNE, JR. 825 FLORISANT HWY ST BERNARD LA 70085  
26458 19 JOSEPH JURISICH, JR. 8730 MORRISON RD NEW ORLEANS LA 70127  
26471 81 DONALD J CAMPO JR 1908 FRANCIS CAROL ST BERNARD LA 70085  
26486 31 DONALD J CAMPO JR 1908 FRANCIS CAROL ST BERNARD LA 70085  
26488 43 DONALD J CAMPO JR 1908 FRANCIS CAROL ST BERNARD LA 70085  
26497 84 GARY BARTHELEMY, FRANK GANIER & ARTHUR REDDICK GENERAL DELIVERY PT A LA HACHE LA 70082  
26498 77 GARY BARTHELEMY, FRANK GANIER & ARTHUR REDDICK GENERAL DELIVERY PT A LA HACHE LA 70082  
26499 51 GARY BARTHELEMY, FRANK GANIER & ARTHUR REDDICK GENERAL DELIVERY PT A LA HACHE LA 70082  
26500 25 GARY BARTHELEMY, FRANK GANIER & ARTHUR REDDICK GENERAL DELIVERY PT A LA HACHE LA 70082  
26501 96 GARY BARTHELEMY, FRANK GANIER & ARTHUR REDDICK GENERAL DELIVERY PT A LA HACHE LA 70082  
26503 64 DONALD J CAMPO JR 1908 FRANCIS CAROL ST BERNARD LA 70085  
26505 220 SERCOVICH & SONS SEAFOOD INC 8036 HWY 23 SOUTH 303 BELLE CHASSE LA 70037  
26507 32 NATHAN G HARVEY, JR. PO BOX 51 PT A LA HACHE LA 70082  
26508 42 DONALD J CAMPO JR 1908 FRANCIS CAROL ST BERNARD LA 70085  
26540 111 RACHEAL M FOX 3678 HWY 39 BRAITHWAITE LA 70040  
26541 24 DALE E FOX 3678 HWY 39 BRAITHWAITE LA 70040

12/18/96 09:57

TS04 705 2489

FISHERIES

26545 11 DONALD P CAMPO RT 1 BOX 852 A ST BERNARD LA 70085  
26546 109 DEANNA L JURISIC PO BOX 753 EMPIRE LA 70059  
26551 5 HERREL J BURAS 11207 JEFFERSON ISLAND RD NEW IBERIA LA 70560  
26582 22 BARBARA CVTANOVICH & GLENDA W TREADAWAY PO BOX 723 EMPIRE LA 70050  
26566 49 GARY BARTHELEMY, FRANK GANTER & ARTHUR REDDICK GENERAL DELIVERY PT A LA HACHE LA 70082  
26577 17 DALE E FOX 3678 HWY 39 BRAITHWAITE LA 70040  
26578 34 DALE E FOX 3678 HWY 39 BRAITHWAITE LA 70040  
26583 17 GENE L FOX 3678 HWY 39 BRAITHWAITE LA 70040  
26584 38 FOX SEAFOOD INC 3678 HWY 39 BRAITHWAITE LA 70040  
26585 19 RACHEAL M FOX 3678 HWY 39 BRAITHWAITE LA 70040  
26586 19 KENNETH R FOX 3678 HWY 39 BRAITHWAITE LA 70040  
26641 67 DALE E FOX 3678 HWY 39 BRAITHWAITE LA 70040  
26643 126 KEVEN JOSEPH REDDICK & ARTHUR A. REDDICK JR GENERAL DELIVERY DAVANT LA 70046  
26659 138 GARY BARTHELEMY, FRANK GANTER & ARTHUR REDDICK GENERAL DELIVERY PT A LA HACHE LA 70082  
26660 168 GARY BARTHELEMY, FRANK GANTER & ARTHUR REDDICK GENERAL DELIVERY PT A LA HACHE LA 70082

Raymond Imperato  
Chief Surveyor



M. J. "MIKE" FOSTER, JR.  
GOVERNOR

**State of Louisiana**

OFFICE OF THE GOVERNOR

**Baton Rouge**

70804-9004

POST OFFICE BOX 94004  
(504) 342-7015

January 3, 1997

**MEMORANDUM**

**TO:** Members, Oyster Lease Mitigation Committee

**FROM:** LB Len Bahr

**SUBJECT:** Committee meeting on January 7 (location changed to Nicholl's State Univ.)

The format and location of the January 7 meeting have been changed to take advantage of an opportunity that should be of great interest to all committee members. Dr. Joe DeAlteris, from the University of Rhode Island, has agreed on very short notice to join us for a technical discussion of various approaches to surveying estuarine water bottom over large areas in a cost-effective manner. Dr. DeAlteris has extensive experience in measuring the quality of oyster habitat in various estuaries including the Chesapeake Bay and he has developed what appears to be a credible, objective and practical survey procedure.

We will describe to Dr. DeAlteris the scope and specific requirements of our need to characterize the suitability of specific areas within the Barataria Bay system for the purpose of relocating oyster leases. The ensuing discussion will focus on whether Dr. DeAlteris' technique is appropriate and/or adaptable for our specific needs.

In addition to committee members the meeting will be open to anyone interested in acoustic and other remote sensing techniques, estuarine benthic systems, sedimentary processes, oyster propagation and related fields. Persons with field experience in the range of bottom types found in the Barataria system are encouraged to participate.

We will meet at 10:00 a.m. in the Century Room at Nicholl's State University (under the stadium). Dr. DeAlteris will be flying out of New Orleans Tuesday afternoon and will have to leave Nicholls by about 2:30 p.m., which should give us adequate time for discussion. In the interest of taking maximum advantage of Dr. DeAlteris' time no other agenda items are proposed at this time.

**Louisiana Oyster Growers and Dealers Association  
&  
Louisiana Oyster Task Force**

---

January 6, 1997

The Honorable Mike Foster  
Governor, State of Louisiana  
Post Office Box 94004  
Baton Rouge, Louisiana 70804-9004

Len Bahr, Chairman  
Governor's Office of Coastal Activity  
Post Office Box 94396  
Baton Rouge, Louisiana 70804

Dear Sirs:

It is with a sad and discouraged heart that we write this letter. We have all expended much time and effort in an attempt to soften the adverse effects of coastal restoration projects on possible impacted oyster leases and leaseholders. We all started with good intentions for a noble cause and, the leaseholders, now find ourselves in an untenable position.

The Oyster Lease Mitigation Committee was formed at the request of the Oyster Industry as a forum to express to State Administrators the needs, requirements, method of operation, and concerns of our farmers as pertains to coastal restoration. The purpose of the committee was to mitigate any adverse effects on oyster leases, leaseholders and to the state caused by renewing and restoring Louisiana's coastline.

This Oyster Lease Mitigation Committee is no longer functioning as a fair and representative forum for all the interests associated with coastal restoration. The decision to not renew (copy attached) some oyster leases dated December 16, 1996 and mailed to those parties tells us that the Secretary of the Louisiana Department of Wildlife and Fisheries (LDWF) is no longer interested in discussing issues of mutual interest with the oyster industry at the Oyster Lease Mitigation Committee forum. Just as we asked that this committee be formed, we now ask that this committee be disbanded as we, the Oyster Industry Representatives, can no longer participate in such a forum. We feel that without our presence there can be no justification for such a committee as structured.

There is agreement that there should be a hold-harmless clause in leases in impacted areas only if this provision was coupled with some form of a leaseholder option package that is effective

and accessible for current lease holders. This package has been on the table for a very long time. The committee agreed that the best way to implement the leaseholder option package was by legislative action. Some committee participants have delayed the draft legislative proposal repeatedly. A workshop dedicated solely to developing the proposed legislation has recently been canceled without cause.

In lieu of further discussion on the option package, the January 7 meeting's topic is on a technical discussion of various approaches to surveying estuaries water bottom. The first workshop clearly defined as the best method of surveying estuarine water bottom as poling. The expert hired by the Department of Natural Resources, Dr. Sammy Ray, also agreed and reported that the best method is by poling. All committee participants agreed that other methods could be in time more cost effective and less time consuming than poling. Committee participants agreed that poling should be done, then we could compare these other methods with poling to correlate each properly. This correlation is not now the highest priority.

Putting together a Legislative package by all the various interests involved in Coastal Restoration is definitely of the utmost importance for immediate action. The Oyster Industry is now under a moratorium for granting any new water bottom leases, with a time frame for developing a method of handling those that would be in an area impacted by a coastal restoration project. Nothing is being done to develop this process.

The State has issued letters of non-renewal of some oyster leases. This action is counterproductive to the interests of the future of the oyster industry. This action has fostered legal action, which is unwanted by all concerned. The LDWF is by law empowered to encourage leasing of water bottoms to enhance and develop a strong oyster industry. We leaseholders have continually adjusted to changing environmental conditions to exist and expand our markets to the betterment of the economy of Louisiana.

Our recommendation to you is that oyster leases that have not been renewed in coastal restoration areas be renewed. This will allow those lease holders to be treated like all other lease holders until the legislative process and judicial process have dealt with these issues.



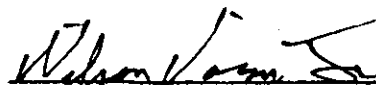
Ralph Pausina, President  
Louisiana Oyster Dealers & Growers Association



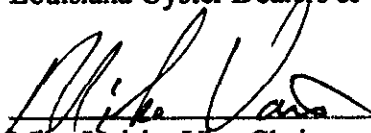
Mitch Jurisich, Jr.  
Plaquemines Oyster Association



Sam Slavich,  
Louisiana Oyster Dealers & Growers Association



Wilson Voisin, Jr. Chairman  
Louisiana Oyster Task Force



Mike Voisin, Vice Chairman  
Gulf Oyster Industry Council

**cc: Randy L. Ewing  
Senate President**

**Hunt B. Downer  
Speaker of the House**

**Jack Caldwell  
Secretary, Louisiana Department of Natural Resources**

**Jimmy Jenkins  
Secretary, Louisiana Department of Wildlife and Fisheries**

**Louisiana House and Senate Natural Resources Committees**

**Mark Davis  
Coalition to Restore Coastal Louisiana**

## RULE

### Department of Wildlife and Fisheries Wildlife and Fisheries Commission

The Wildlife and Fisheries Commission does hereby amend the regulations governing the Special Bait Dealer's Permit (LAC 76:VII.329). Authority for adoption of this rule is included in R.S. 56:497(C).

## Title 76

### WILDLIFE AND FISHERIES

#### Part VII. Fish and Other Aquatic Life

#### Chapter 3. Saltwater Sport and Commercial Fishing

#### §329. Special Bait Dealer's Permit

\* \* \*

##### C. Operations

\* \* \*

3. No more than two gallons of dead shrimp may be aboard the vessel while it is operating under the permit. All dead shrimp in excess of two gallons must be immediately returned to the water. Shrimp dying in onshore holding facilities may be sold for bait use only, in lots not to exceed 16 ounces in weight.

\* \* \*

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:497(C).

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 3:210 (April 1977), amended LR 15:867 (October 1989), LR 19:215 (February 1993), LR 22: .

Chairman

RESOLUTION

Managerial Adjustment to the Remaining Portion of the 96/97  
Oyster Season on the Public Grounds

Adopted by the  
Louisiana Wildlife and Fisheries Commission  
Louisiana Department of Wildlife and Fisheries

January 9, 1997

- WHEREAS, R.S. 56:433 provides that the Public Oyster Seed Grounds may be opened on the Wednesday following Labor Day which in 1996 was September 4, and
- WHEREAS, the oyster resources on the "Public Oyster Seed Grounds and Oyster Seed Reservations" were surveyed and the available supply and size variation has been determined, and
- WHEREAS, the Wildlife and Fisheries Commission established the 96/97 season on the "Louisiana Public Oyster Seed Grounds and the Sister Lake, Hackberry Bay and Bay Gardene Oyster Seed Reservations" not currently under lease to open one-half hour before sunrise on September 4, 1996, and established the season in Calcasieu Lake, and
- WHEREAS, these areas are scheduled to close on April 1, 1997, and
- WHEREAS, there are provisions under R.S. 56:433 B(1) for extensions through May 15th of each season after considering the recommendations of the Oyster Task Force, and R.S. 56:433E allows for adjustments to the season, and
- WHEREAS, R.S. 56:6(25)(a) allows the Commission, through its Secretary, to set seasons, times and places, based on biological and technical data for all fish for the purposes of management of fishery species for the maximum continuing social and economic benefit to the State without over fishing, and
- WHEREAS, the Louisiana Oyster Task Force members were presented with these recommendations at the December 12, 1996 meeting and voted in favor of the recommendation, now
- THEREFORE BE IT RESOLVED, that the Sister Lake Oyster Seed Reservation shall close effective at 5 p.m. February 1, 1997 and remain closed for the remainder of the 96/97 public oyster season; and
- BE IT FURTHER RESOLVED, that an area on the Breton Sound Public Oyster Seed Ground, Plaquemines Parish, inside a line running from the marker at Bayou Terre Boeufs, south to



Snake Island, then to Lonesome Island, to Bell Island, south to the land mass on the south side of Bay Crabe, including the public grounds in Bay Gardene, Bay Crabe shall close at 5 p.m. February 1, 1997 and remain closed for the remainder of the season, and

BE IT FURTHER RESOLVED, that the open season on all of the remaining portions of the public grounds with the exception of Calcasieu Lake public tonging reef shall be extended to April 30, 1997 at 5 p.m., and

BE IT FURTHER RESOLVED, that the Secretary of the Department of Wildlife and Fisheries is authorized to take emergency action, if necessary, to close areas if oyster mortalities are occurring or to delay the season or close areas where significant spat catch has occurred with good probability of survival, or where it is found that there are excessive amounts of shell in seed oyster loads, and

BE IT FURTHER RESOLVED, that the Secretary will also have the authority to take emergency action to reopen areas previously closed if the threat to the resource has ended.

---

Chairman  
La. Wildlife & Fisheries  
Commission

---

James H. Jenkins, Jr., Secretary  
La. Department of Wildlife and  
Fisheries

## DECLARATION OF EMERGENCY

### Department of Wildlife and Fisheries Wildlife and Fisheries Commission

In accordance with the emergency provisions of the Administrative Procedure Act, R.S. 49:953(B) and 967, and under the authority of R.S. 56:6(25)(a), R.S. 56:433 and R.S. 56:435.1, notice is hereby given that the Secretary of the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission hereby declare:

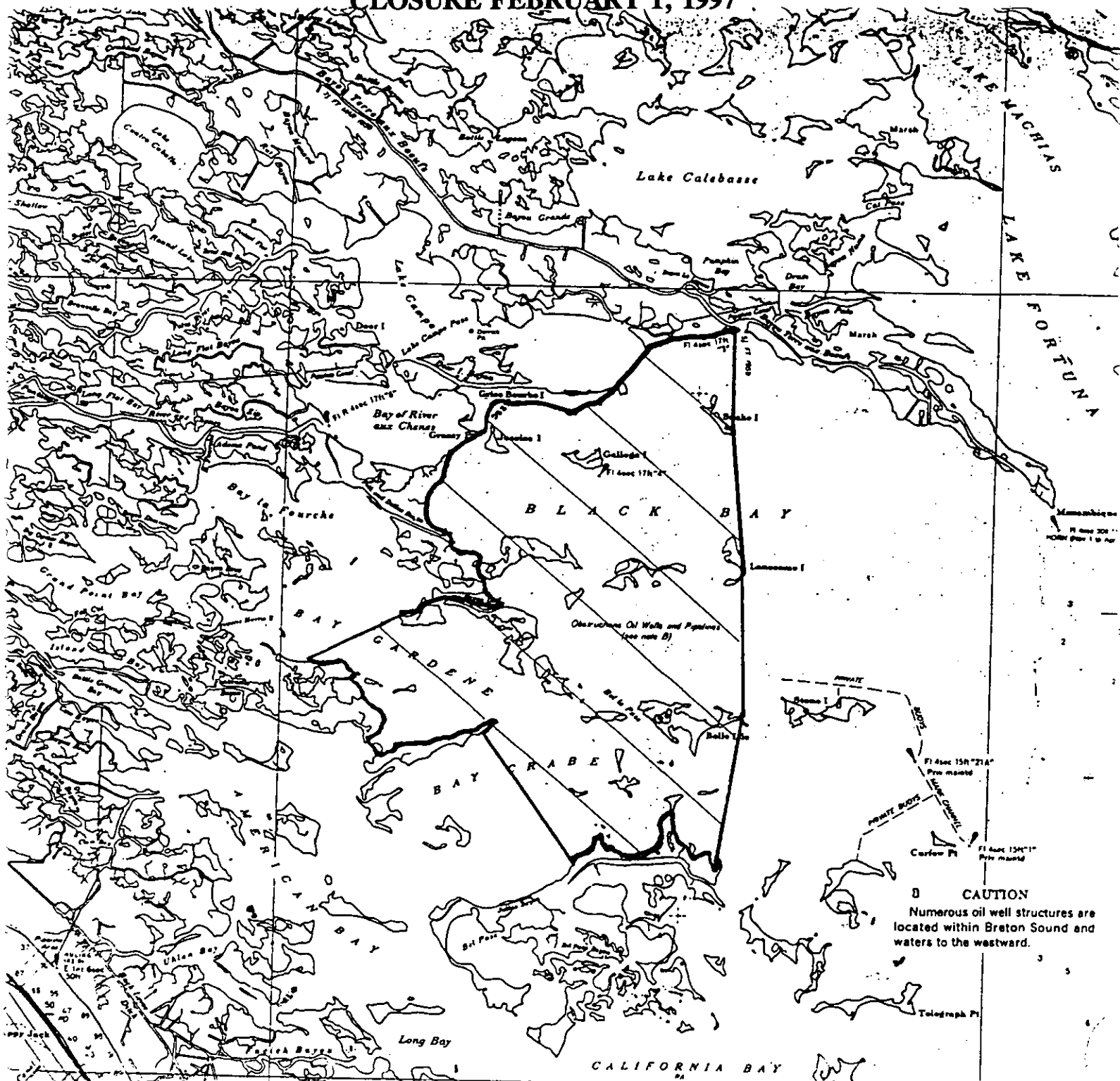
1. That the Sister Lake Oyster Seed Reservation shall close effective February 1, 1997 at 5 p.m. and remain closed for the remainder of the 96/97 public oyster season.

2. That an area on the Breton Sound Public Oyster Seed Ground inside a line running from the marker at Bayou Terre Boeufs, south to Snake Island, then to Lonesome Island, to Bell Island, south to the land mass on the south side of Bay Crabe, including the public grounds in Bay Gardene, Bay Crabe shall close on February 1, 1997 at 5 p.m. and remain closed for the remainder of the season.

3. That the open season on all of the remaining portions of the public grounds with the exception of Calcasieu Lake public tonging reef shall be extended to April 30, 1997 at 5 p.m.

Chairman

**THE BRETON SOUND PUBLIC GROUND  
CLOSURE FEBRUARY 1, 1997**



RESOLUTION

Managerial Adjustment to the Remaining Portion of the 96/97  
Oyster Season on the Public Grounds

Adopted by the  
Louisiana Wildlife and Fisheries Commission  
Louisiana Department of Wildlife and Fisheries

January 9, 1997

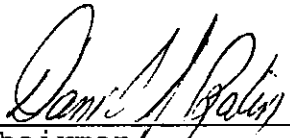
- WHEREAS,** R.S. 56:433 provides that the Public Oyster Seed Grounds may be opened on the Wednesday following Labor Day which in 1996 was September 4, and
- WHEREAS,** the oyster resources on the "Public Oyster Seed Grounds and Oyster Seed Reservations" were surveyed and the available supply and size variation has been determined, and
- WHEREAS,** the Wildlife and Fisheries Commission established the 96/97 season on the "Louisiana Public Oyster Seed Grounds and the Sister Lake, Hackberry Bay and Bay Gardene Oyster Seed Reservations" not currently under lease to open one-half hour before sunrise on September 4, 1996, and established the season in Calcasieu Lake, and
- WHEREAS,** these areas are scheduled to close on April 1, 1997, and
- WHEREAS,** there are provisions under R.S. 56:433 B(1) for extensions through May 15th of each season after considering the recommendations of the Oyster Task Force, and R.S. 56:433E allows for adjustments to the season, and
- WHEREAS,** R.S. 56:6(25)(a) allows the Commission, through its Secretary, to set seasons, times and places, based on biological and technical data for all fish for the purposes of management of fishery species for the maximum continuing social and economic benefit to the State without over fishing, and
- WHEREAS,** the Louisiana Oyster Task Force members were presented with these recommendations at the December 12, 1996 meeting and voted in favor of the recommendation, now
- THEREFORE BE IT RESOLVED,** that the Sister Lake Oyster Seed Reservation shall close effective at 5 p.m. February 1, 1997 and remain closed for the remainder of the 96/97 public oyster season; and
- BE IT FURTHER RESOLVED,** that an area on the Breton Sound Public Oyster Seed Ground, Plaquemines Parish, inside a line running from the marker at Bayou Terre Boeufs, south to


Snake Island, then to Lonesome Island, to Bell Island, south to the land mass on the south side of Bay Crabe, including the public grounds in Bay Gardene, Bay Crabe shall close at 5 p.m. **February 1, 1997** and remain closed for the remainder of the season, and

**BE IT FURTHER RESOLVED**, that the open season on all of the remaining portions of the public grounds with the exception of Calcasieu Lake public tonging reef shall be extended to **April 30, 1997** at 5 p.m., and

**BE IT FURTHER RESOLVED**, that the Secretary of the Department of Wildlife and Fisheries is authorized to take emergency action, if necessary, to close areas if oyster mortalities are occurring or to delay the season or close areas where significant spat catch has occurred with good probability of survival, or where it is found that there are excessive amounts of shell in seed oyster loads, and

**BE IT FURTHER RESOLVED**, that the Secretary will also have the authority to take emergency action to reopen areas previously closed if the threat to the resource has ended.

  
\_\_\_\_\_  
Chairman,  
La. Wildlife & Fisheries  
Commission

  
\_\_\_\_\_  
James H. Jenkins, Jr., Secretary  
La. Department of Wildlife and  
Fisheries

## DECLARATION OF EMERGENCY

### Department of Wildlife and Fisheries Wildlife and Fisheries Commission

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1. That the Sister Lake Oyster Seed Reservation shall close effective February 1, 1997 at 5 p.m. and remain closed for the remainder of the 96/97 public oyster season.

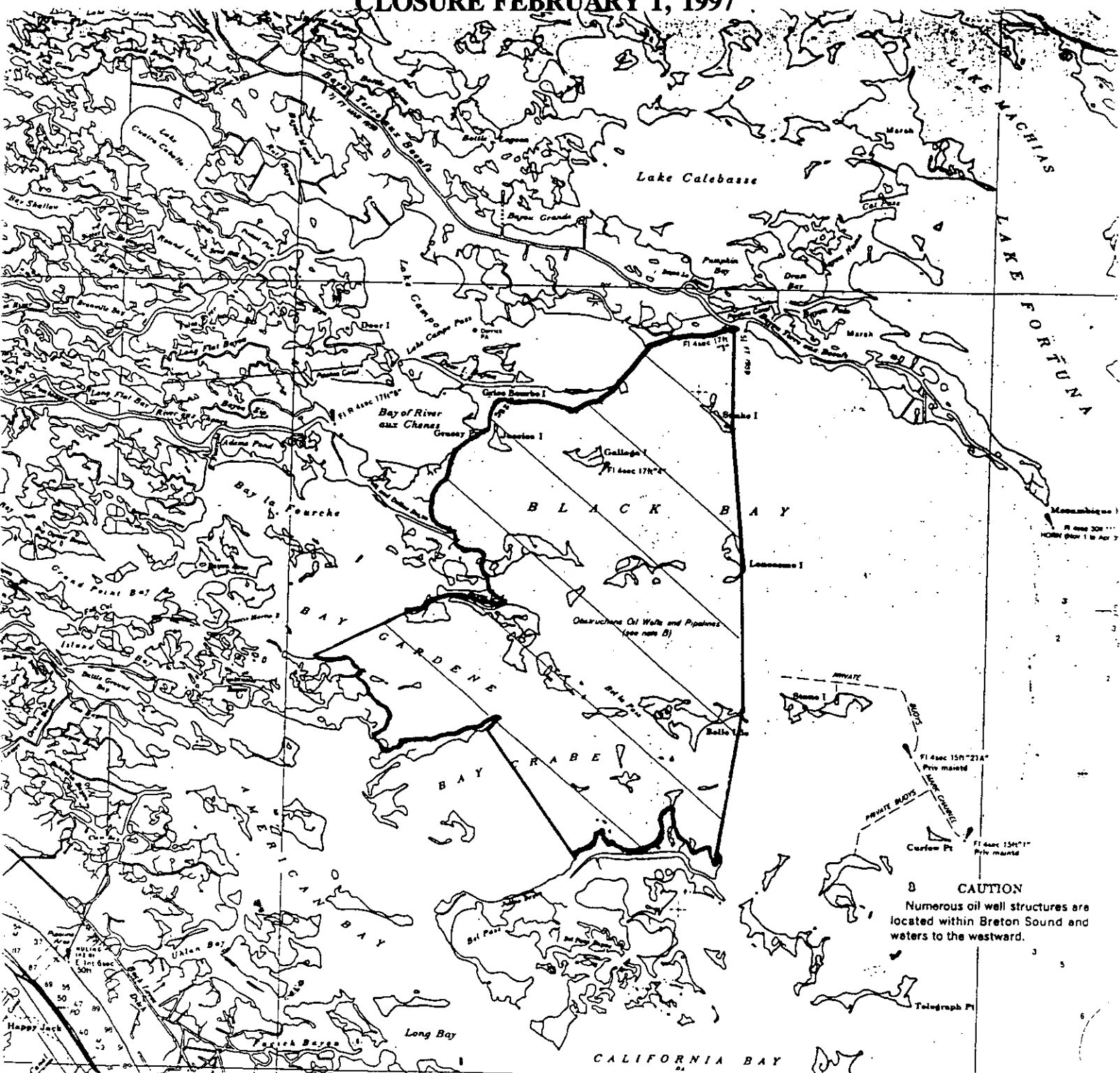
2. That an area on the Breton Sound Public Oyster Seed Ground inside a line running from the marker at Bayou Terre Boeufs, south to Snake Island, then to Lonesome Island, to Bell Island, south to the land mass on the south side of Bay Crabe, including the public grounds in Bay Gardene, Bay Crabe shall close on February 1, 1997 at 5 p.m. and remain closed for the remainder of the season.

3. That the open season on all of the remaining portions of the public grounds with the exception of Calcasieu Lake public tonging reef shall be extended to April 30, 1997 at 5 p.m.

Chairman

**MANAGERIAL ADJUSTMENT  
TO THE REMAINING PORTION OF THE 96/97 OYSTER SEASON  
ON THE  
PUBLIC GROUNDS**

**THE BRETON SOUND PUBLIC GROUND  
CLOSURE FEBRUARY 1, 1997**



ENFORCEMENT CASE REPORT

DECEMBER 1996



ENFORCEMENT CASE REPORT-DECEMBER 1996

REGION I

TOTAL CASES-102

WMA&REFUGES-4

3-Boating

3-Fishing W/O Resident Pole License

1-Sell And Or Buy Fish W/O Wholesale/Retail Dealers License

1-Take/Poss. Undersize Commercial Finfish

9-Hunting W/O Resident Hunting License

1-Hunting W/o Non-Resident License

1-Hunting From A Moving Vehicle

5-Hunting With Unplugged Gun Or Silencer

3-Hunt From A Public Road Or Road Right-Of-Way

1-Hunt MGB W/O A State Stamp

2-Failure To Comply With Hunter Safety Regulations

6-Hunt W/O Resident Big Game License

1-Hunt W/O Non-Resident Big Game License

1-Hunt Or Take Deer Illegal Hours Or W/Artificial Light

20-Hunt Or Take Deer From Public Road

1-Possession Of Illegally Take Deer O/S

6-Field Possession Of Deer Meat W/O Tag

7-Failure To Wear Hunters Orange

Page (2)

REGION 1 CONT'D.

1-Hunting Ducks W/O Federal Stamp

1-Wanton Waste Of MGB

3-Possession Of Over Limit Of Ducks

4-Not Abiding By Rules And Regulations On WMA

3-Littering

1-Other Than Wildlife And Fisheries

1-Possession Of Firearm Of Convicted Felon

9-Operate ATV On Public Road

1-Simple Obstruction Of Highway Of Commerce

1-Driving W/O Operators License

5-Discharge Firearm From Public Road

CONFISCATIONS:

2 guns, 1 spotlight, 1 hunter orange vest, 1 camo vest, 1 button buck, 11 deer, 12 ducks,  
5 ice chests.

GRAND TOTAL OF EACH CATEGORY FOR REGION 1:

3-Boating

3-Littering

3-Sport Fishing

2-Commercial Fishing

64-Hunting

5-MGB

22-Misc.

Page (3)

REGION 2

TOTAL CASES-81

WMA&REFUGES-4

4-Boating

7-Angling W/O A License

1-Angling W/O A Non-Resident License

3-Hunting W/O Resident License

1-Hunting W/O Non-Resident License

1-Hunt W/O Resident Big Game License

1-Hunt W/O Non-Resident Big Game License

9-Hunt/Take Deer From Public Road

7-Hunt From Public Road

1-Fail To Comply With Hunter Orange Regs.

3-Hunt Wild Quadrupeds And/Or Wild Birds Illegal Hours

5-Hunt Deer Illegal Hours

1-Hunt Illegal Deer Open Season

5-Hunt From Public Road

2-Hunt MGB W/O State Stamp

6-Hunt DMAP W/O Permission

1-Spotlighting Public Road

1-Discharge Firearm From Public Road

1-Hunt MGB With Unplugged Gun

Page (4)

**REGION 2 CONT'D.**

4-Not Abiding By Rules And Regs. On WMA

1-Possession Of Illegal Drugs

4-DWI

5-Operate ATV On Public Road

1-Littering

1-No Driving License

1-Reckless Operation Of A Vehicle

4-Discharge Firearms

**CONFISCATIONS:**

5 guns, 1 doe deer, 2 spotlights, 1-8point buck head and horn, 1 box of marijuana with pipe, 1-6 volt light, 1 mag.light, 2 boxes 22 ammo., 1 doe deer.

**TOTAL OF EACH CATEGORY FOR REGION 2:**

4-Boating

8-Sport Fishing

47-Hunting

1-MGB

20-Other

1-Littering

Page (5)

REGION 3

TOTAL CASES-243

WMA&REFUGES-8

4-Boating

1-Angling W/O Resident License

5-Take Game Fish Illegally

1-Take Commercial Fish W/O Commercial License

1-Take Commercial Fish W/O Commercial Gear License

2-Use Lead Nets In Other Than Overflow Area

7-Hunt W/O Resident Basic Hunting License

7-Hunt W/O Resident Big Game License

5-Hunt W/O Non-Resident Basic License

4-Hunt W/O Non-Resident Big Game License

72-Hunt From Public Road

1-Discharge Firearm From Public Road

17-Hunt From Moving Vehicle

3-Hunt With Unplugged Gun

15-Hunt Deer Illegal Hours W/Artificial Light

8-Hunt Wild Quadrupeds Illegal Hours

2-Hunt Deer In Closed Area

3-Take Illegal Deer Open Season

1-Fail To Maintain Sex I.D.

10-Failure To Wear Hunters Orange

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REGION 3 CONT'D.

- 1-Hunt Deer W/Illegal Weapon
- 5-Hunt/Take Ducks W/O State Duck Stamp
- 1-Trapping W/O Resident License
- 2-Hunt Raccoons/Opossums Illegally
- 7-Failure To Abide By Rules And Regs. On WMA
- 7-Hunt/Take Ducks W/O Federal Stamp
- 2-Hunt/Take Ducks W/O Unsigned Stamp
- 1-Hunt MGB W/Unplugged Gun
- 2-Hunt/Take Ducks Closed Season
- 2-Take/Possess Over Limit Ducks
- 9-Hunt/Take MGB Illegal Hours
- 12-Hunt/Take MGB W/Lead Shot
- 1-Take Robins No-Season
- 1-Possession Firearm By Convicted Felon
- 1-Violation Of Probation Or License Revocation
- 3-Operate ATV On Public Road
- 3-Littering
- 1-Criminal Trespass
- 2-Trespass On Railroad Property
- 3-Simple Obstruction Of Highway Of Commerce
- 2-Reckless Operation Of Motor Vehicle

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**REGION 3 CONT'D.**

**2-Driving W/O Operators License**

**1-Improper Lane Usage**

**1-DWI**

**1-Illegal Possession Of Marijuana**

**CONFISCATIONS:**

**23 woodducks, 4 ringneck ducks, 12 mallards, 2 gadwall, 1 deer, 150 lbs. Of bowfin, 52 lbs. Of catfish, 5 lbs. Of buffalo, 22 crappie, 19 bream, 3 black bass, 12 guns, 117 lead shot, 2 spotlight, 1 wheatlight, 1 mag.flashlight, 1 snare, 1 bag marijuana, 1 basic hunting license, 1 resident big game license, 8 lead nets, 6 hoop nets.**

**TOTAL OF EACH CATEGORY FOR REGION 3:**

**4-Boating**

**7-Sport Fishing**

**4-Commercial Fishing**

**171-Hunting**

**36-MGB**

**18-Other**

**3-Littering**

REGION 4

TOTAL CASES-145

WMA&REFUGES-58

3-Boating

2-Angling W/O A License

3-Angling W/O A Non-Resident License

1-Take Commercial Fish W/O Commercial License

1-Take Commercial Fish W/O Commercial Gear License

1-Take Undersize Commercial Fish

5-Hunt Without A Resident License

1-Bow Hunt W/O Bow License

9-Hunting From A Moving Vehicle

2-Hunting With An Unplugged Gun

7-Hunt Wild Quadrupeds Illegal Hours

3-Hunt From A Public Road

4-Hunting Without A Resident Big Game License

1-Hunt Deer Closed Area

2-Hunt Or Take Deer Illegal Hours With Artificial Light

5-Hunt Or Take Deer From Public Road

1-Hunt Or Take Illegal Deer Open Season

14-Fail To Comply W/Hunters Orange Regulations

1-Hunt On DMAP Lands W/O Permit From Owner/Lessee

1-Hunt Raccoons Illegally



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**REGION 4 CONT'D.**

**3-Failure To Comply With PFD Requirements**

**1-Hunting MGB With Unplugged Gun**

**1-Hunting MGB Illegal Hours**

**3-Wanton Waste Of MGB**

**8-Using Lead Shot In Area Designated Steel Shot Only**

**5-Possess Over Limit Of Ducks**

**2-Taking Or Possession Of Other Non-Game Birds**

**3-Violate National Wildlife Regulations**

**47-Not Abiding By Rules And Regs. On WMA**

**1-Trespassing**

**CONFISCATIONS:**

**1 deer, 5 raccoons, 213 catfish, 40 ducks, 1 hawk, 2 spotlights, 5 rifles, 100 yards of 3 inch webbing, 58 lead shells.**

**TOTAL OF EACH CATEGORY FOR REGION 4:**

**3-Boating**

**8-Fishing**

**63-Hunting**

**23-Federal**

**48-Other**

REGION 5

TOTAL CASES-156

WMA&REFUGES-5

12-Boating

4-Angling W/O A License

2-Angling W/O A Non-Resident License

1-Take/Possess Undersize Red Drum

3-Take/Possess Undersize Black Drum

1-Take/Possess Overlimit Black Drum

1-Sell/Buy Seafood Without Wholesale/Retail Dealers License

3-Failure To Maintain Records

2-Possess/Sell Undersize Crabs

3-Violation Calcasieu Lake Regulations

2-Failure To Hold Oyster Tags For Sixty Days

4-Hunting W/O A License

2-Hunting W/O A Non-Resident License

12-Hunting From Moving Vehicle

11-Hunting Illegal Hours

5-Hunting From Public Road

1-Hunting MGB Without State Stamp

2-Hunting Without Resident Big Game License

2-Hunting Without Non-Resident Big Game

3-Hunting/Or Take Deer Illegal Hours

REGION 5 CONT'D.

5-Hunting/Take Deer Public Road

5-Failure To Wear Hunters Orange

6-Hunting On DMAP W/O Permit

4-Hunting Raccoons/Opossums Illegally

3-Hunting W/O Federal Stamp

2-Hunting MGB With Unplugged Gun

12-Hunting MGB Illegal Hours

2-Hunting MGB From Moving Boat

8-Using Lead Shot In Steel Shot Only

7-Hunting MGB With Electronic Call

2-Hunting Ducks Closed Season

2-Taking IBIS No Season

2-Hunting MGB W/O State Stamp

1-Hunting MGB W/O Basic Hunting License

1-Resisting An Officer

1-Flight From An Officer

1-Reckless Operation Of A Vehicle

13-Violation Of Sanitary Code-Chapter 9

2-Discharge Firearms From Public Road

1-Miscellaneous Federal Violation

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REGION 5

CONFISCATIONS:

5 guns, 71 lead shot shells, 16-22 bullets, 12 shotgun shells, 2-#6 nitro mag. shells, 2 night lights with batteries, 4 hunting licenses, 75 sacks of oysters returned to water, 44 gallons of oysters destroyed, 21 coons , 6 rabbits, 6 redfish, 15 boxes undersize crabs, 21 ducks.

TOTAL OF EACH CATEGORY FOR REGION 5:

12-Boating

22-Fishing

122-Hunting

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REGION 6

TOTAL CASES-180

WMA&REFUGES-39

38-Boating

5-Angling Without A License

1-Angling Without A Non-Resident License

2-Angling Without Resident Pole License

1-Take Or Possess Undersize Red Drum

3-Take Or Possess Undersize Black Drum

1-Take Or Possess Overlimit Of Black Drum

4-Removing Contents From crab Traps

9-Hunt Without Resident License

14-Hunt From A Moving Vehicle

1-Hunting With Unplugged Gun

6-Hunting Wild Quadrapeds Illegal Hours

13-Hunt From A Public Road Or Right Of Way

2-Hunt MGB Without State Stamp

3-Illegal Spotlighting From Public Road

1-Littering

1-Speeding

1-Flight From An Officer

1-Reckless Operation Of A Vehicle

REGION 6 CONT'D.

- 1-Hunt Without Resident Big Game License
- 7-Hunt Or Take Deer Or Bear Illegal Hours
- 1-Hunt Or Take Illegal Deer Open Season
- 1-Possess Overlimit Of Deer
- 1-Field Possession Of Deer Meat Without Tag
- 2-Failure To Wear Hunter Orange
- 2-Possess Spotted Fawn
- 13-Hunt Raccoons Or Opossums Illegally
- 19-Not Abiding By Rules And Regulations On WMA
- 4-Hunting Ducks Or Geese Without Federal Stamp
- 3-Hunt MGB Over Baited Area
- 6-Using Lead Shot In Designated Steel Shot Area
- 4-Wanton Waste Of MGB
- 8-Possess Overlimit Of Ducks
- 1-Hunt MGB Without State Stamp

CONFISCATIONS:

14 guns, 4 spotlights, 1 battery, 4 knives, 1 ATV, 2 trucks, 85 steel shot shells, 3 rifle bullets, 51 cartridges, 3-10 round clips, 3 shotgun shells, 30 raccoons, 4 deer, 28 teal, 6 shovelers, 2 mallard hens, 2 gadwall, 1 widgeon, 1 spoonbill, 14 black drum, 1 red drum, 1 ice chest of crabs, 1 check for \$51.00.

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REGION 6 CONT'D.

TOTAL OF EACH CATEGORY FOR REGION 6:

38-Boating

13-Sport Fishing

4-Commercial Fishing

73-Hunting

19-WMA

26-Federal

6-Misc.

1-Littering

REGION 7

TOTAL CASES-230

WMA&REFUGES-18

3-Boating

17-Angling Without A License

2-Angling Without A License Non-Resident

2-Fish Without Resident Pole License

1-Transport Without Required License

25-Hunt Without Basic License

17-Hunt From A Moving Vehicle

4-Hunt With Unplugged Gun

7-Illegal Night Hunting

15-Hunt From A Public Road

3-Fail To Comply With Hunter Safety Requirements

20-Hunt Without Big Game License

1-Hunt Without Non-Resident Big Game License

16-Hunt Deer Illegal Hours

3-Take Deer Illegal Methods

19-Hunt Or Take Deer From A Public Road

5-Take Illegal Deer Open Season

1-Hunt Or Take Deer With Illegal Weapon

3-Over limit Of Deer

28-Fail To Wear Hunters Orange



REGION 7 CONT'D.

1-Take Turkey Closed Season

3-Possess Turkey Closed Season

1-Hunt With Federal Stamp

2-Possession Of Lead Shot

1-Hunt MGB Without State Stamp

11-Not Abiding By WMA Rules And Regs.

1-Use WMA Without License Or Stamp

7-Criminal Trespass

3-Littering

1-Other Than Wildlife And Fisheries

1-Possess Firearm By Convicted Felon

2-Obstruction Of A Highway

4-Discharge Firearm From A Public Road

CONFISCATIONS:

10 deer, 2 turkeys, 3 rabbits, 1 squirrel, 14 guns, 2 spotlights.

TOTAL OF EACH CATEGORY FOR REGION 7:

3-Boating

3-Littering

1-Commercial Fishing

21-Sport Fishing

187-Hunting

15-Other

REGION 8

TOTAL CASES-204

WMA&REFUGES-37

32-Boating

18-Angling W/O A Basic License

2-Angling W/O a Non-Resident License

3-Angling W/O Saltwater License

1-Take Or Possess Game Fish Illegally

2-Possess Over The Limit Of Red Drum

2-Take Or Possess Undersize Red Drum

1-Take Or Possess Undersize Black Drum

2-Take Commercial Fish W/O Commercial License

3-Take Commercial Fish W/O Gear License

2-Take Or Possess Commercial Fish W/O Vessel License

2-Fail To Maintain Records

1-Leave Nets Unattended

1-Blocking Passage Of Fish

2-Destroy Legal Crab Traps Or Removing Contents

2-Allow Another To Use Commercial License

2-Take Spotted Seatrout Illegal Hours

2-Take Spotted Seatrout Without A Permit

1-Permit Unlicensed Person To Operate Commercial Vessel

1-Permit Unlicensed Person To Use Commercial Gear

REGION 8 CONT'D.

- 1-Failure To Tag/Mark Nets
- 1-Take Mullet Commercially W/O Permit
- 4-Take Commercial Mullet Illegal Hours
- 1-Unlawfully Take Oysters From State Water Bottoms
- 3-Take Oysters From Unapproved Area
- 9-Take Undersize Oysters From Natural Reef
- 1-Failure To Display Proper Number On Vessel
- 2-Hunting Without A Resident License
- 6-Possess Wild Birds Or Wild Quadrupeds Without A License
- 7-Hunt From A Moving Vehicle
- 13-Hunt Wild Quadrupeds Illegal Hours
- 2-Hunt From Public Road Or Road Right Of Way
- 3-Hunt MGB Without State Stamp
- 4-Fail To Comply with Hunter Safety Regulations
- 1-Hunt Without Resident Big Game License
- 5-Hunt Or Take Deer Illegal Hours
- 5-Hunt Or Take Deer From Public Road
- 1-Fail To Comply with Hunters Orange Regulations
- 3-Possess Fur Bearing Animals Without A License
- 4-Hunt Ducks Without A Federal Stamp
- 4-Hunt MGB With Unplugged Gun

REGION 8 CONT'D.

4-Hunt MGB Illegal Hours

6-Hunt MGB From Moving Motorboat

2-Rallying MGB

3-Wanton Waste Of MGB

12-Use Lead Shot In Area Designated As Steel Shot Only

5-Possess Over The Limit Of Ducks

2-Taking Grebe-No Season

1-Taking Or Possession Of Other Non-Game Birds-No Season

7-Other

CONFISCATIONS:

8 guns, 5 headlights, 3 batteries, 1 gear license, 1 oyster harvester license, 1 commercial fisherman's license, 1 vessel license, 1 mullet permit, 113 lead shotgun shells, 2 grebes, 2 commorants, 1 nutria, 2 rabbits, 3 deer, 39 ducks, 20 coots, 94 bullets, 5 mullet nets, 1 cast net, 1 truck, 1 boat, 1 trailer, 1 outboard motor, 600 feet of unattended net, 294 sacks of oysters, 64 lbs. Of shrimp sold for \$115.00, 14 speckled trout sold for \$14.60, 12 red drum, 42 bass, 48 sac au lait, 2 black drum.

TOTAL OF EACH CATEGORY FOR REGION 8:

32-Boating

7-Other

29-Sport Fishing

41-Commercial Fishing

95-Hunting

## SHRIMP ACTIVITY REPORT

### REGION 8

#### COMPLAINTS

1. Shrimp activity for this month has been very low. The white shrimp crop has been disappointing, and there has been low effort.

#### PATROLS

1. Due to hunting seasons and the mullet season, we put little effort into targeted shrimp patrols. On regular saltwater patrols several shrimpers were checked for licenses and gear.

#### INQUIRIES

1. We received fewer inquiries for TED information, which were referred to the LSU Cooperative Extension Service Fisheries Agent Gerald Horst.

2.. We received a few calls regarding mesh size, shrimp size, net and frames size, license requirements, and other legal questions.

3. The main questions received were regarding the closure date, outside waters, and the boundaries of Breton and Chandeleur Sounds, which remain open.

#### CASES

1. One shrimp case was made based upon a person using another's license. 64# shrimp were seized and sold.

REGION 9

TOTAL CASES-222

WMA&REFUGES-15

**11-Boating**

**1-Angling W/O Non-Resident License**

**1-Angling W/O A License**

**12-Angling W/O Saltwater License**

**7-Fail To Have Saltwater Stamp**

**11-Possess O/L Of Red Drum**

**7-Possession Of Undersize Black Drum**

**1-Take Commercial Fish W/O Commercial License**

**2-Take Commercial Fish W/O Commercial Gear License**

**2-Take Commercial Fish W/O Vessel License**

**1-Fail To Maintain Records**

**1-Transport W/O Required License**

**1-Failure To Have Written Permission**

**8-Taking Oysters From Unapproved Area**

**10-Take Undersize Oysters From Natural Reef**

**3-Harvest Oysters W/O Oyster Harvester License**

**6-Fail To Cull Oysters In Proper Location**

**2-Possess Wild Birds W/O A License**

**8-Hunting From Moving Vehicle**

**4-Hunting With Unplugged Gun**

REGION 9 CONT'D.

8-Hunt Wild Quadrupeds Illegal Hours and Artificial Light

6-Hunting From Moving Vehicle

4-Hunting With Unplugged Gun

8-Hunt Wild Quadrupeds Illegal Hours And Artificial Light

6-Hunt From Public Road

1-Hunt From Levee Road

1-Fail To Comply With Hunter Safety Regs.

1-Take Rabbits Illegal Methods

1-Hunt Deer Closed Season

1-Take Deer Closed Season

2-Hunt Deer Illegal Hours And Artificial Light

1-Take Illegal Deer Open Season

1-Hunt Without Muzzle loader License

4-Hunt Raccoons Illegally

1-Possessing F.B.A. Without A License

2-Trap F.B.A. Without Resident License

2-Sell F.B.A. W/O Buyers License

2-Take Non-Game Quadrupeds Illegally

3-Hunting Ducks W/O Federal Stamp

1-Hunting With Unsigned Duck Stamp

1-Hunting MGB With Unplugged Gun

REGION 9 CONT'D.

- 2-Hunting MGB Illegal Hours
- 3-Hunting MGB Over Baited Area
- 13-Hunting MGB With Illegal Firearm
- 3-Rallying MGB
- 2-Poss. Of Completely Dressed MGB
- 1-Wanton Waste Of MGB
- 8-Using Lead Shot In Area Designated As Steel Shot Only
- 2-Hunting Doves Closed Season
- 6-Possess O/L Of Coots
- 2-Possess O/L Of Ducks
- 3-Hunt MGB W/O State Stamp
- 1-Hunt MGB W/O Basic Hunting License
- 5-Criminal Trespass
- 1-Illegal Possession Of Marijuana
- 4-Illegal Spotlighting From Public Road
- 1-Littering
- 5-Theft Of Decoys And Pirogue
- 1-Flight From An Officer
- 1-Violation Of Sanitary Code

CONFISCATIONS:

3 spoonbills, 120 coots, 1 redhead, 1 ringneck, 2 gadwalls, 8 teal, 13 gallinule,



REGION 9 CONT'D.

CONFISCATIONS CONT'D.:

16 dressed migratory birds, 25 nutria pelts sold for \$28.00, 9 raccoon hides sold for \$28.00, 1 beaver pelt sold for \$4.00, 2 deer, 76 sacks of oysters returned to water, 4 sheephead, 4 whitetrout, 1 speckled trout, 46 red drum, 14 black drum, 12 guns, 2 boats, 3 headlights, 2 spotlights, variety shotgun shells, 1 grocery bag with 6 pack beer.

TOTAL OF EACH CATEGORY FOR REGION 9:

11-Boating

1-Littering

59-Sport Fishing

35-Commercial Fishing

52-Hunting

47-MGB

17-Other

**OYSTER STRIKE FORCE**

**TOTAL CASES-41**

**10-Take Undersize Oysters From Natural Reefs**

**1-Take Oysters Without Harvesters License**

**1-Failure To Have Written Permission To Take Oysters From Private Lease**

**2-Violation Of Sanitation Code**

**2-Use Oyster Containers Of Another Shipper**

**5-Failure To Maintain Wholesale/Retail Dealer Records**

**1-Failure To Have Wholesale/Retail Dealers License**

**2-Failure To Maintain Oyster Tags For 90 Days**

**8-Violate Health Regs. No Vessel Tarp**

**3-Violate Calcasieu Lake Regs.-Take Over The Daily Limit Of Oysters**

**1-Adulterated Oysters**

**1-No Shippers Certification Number**

**2-Failure To Refrigerate Oysters Within The Required Time Frame**

**1-Transport Without Required Transport License**

**1-Failure To Fill Out Oyster Tags Correctly**

**CONFISCATIONS:**

**44 gallons of oysters, 247 sacks of oysters.**

SPECIAL STRIKE FORCE

TOTAL CASES-40

WMA&REFUGES-15

6-Boating

2-Angling W/O License Non-Resident

1-Hunt Ducks Or Geese Without Federal Stamp

4-Destroy Legal Crab Traps Or Removing Contents

2-Take Or Possess Undersize Black Drum

1-Take Or Possess Undersize Red Drum

1-Angling Without A License

1-Take/Possess Undersize Commercial Finfish

1-Hunt Without Resident License

7-Hunt From Moving Vehicle/And Or Aircraft

7-Hunt Wild Quadrupeds/And Or Wild Birds Illegal Hours

2-Hunt Without Resident Big Game License

3-Hunt Raccoons/Opossums

2-Take/Possess Non-Game Birds

CONFISCATIONS:

4 black drum, 1 redfish, 75 lbs. Crabs, 1 ice chest, 2 lights, 1 redtail hawk, 3 guns, 5 coons, 213 catfish.

SEAFOOD INVESTIGATION UNIT

TOTAL CASES-30

WMA&REFUGES-13

8-Fishing Without A Basic License

7-Fishing Without A Saltwater License

1-Take/Possess Undersize Red Drum

2-Take/Possess Undersize Black Drum

1-Buy And Sell Fish Without A Wholesale/Retail Dealers License

5-Fail To Maintain Records

2-Hunt From A Moving Vehicle

1-Hunt From A Public Road

2-Hunt Or Take Deer Illegal Hours

1-Discharge Firearm From A Public Road

CONFISCATIONS:

2 rifles, 2 spotted seatrout, 6 black drum, 4 white trout, 4 sheephead, 4 red drum.

TOTAL OF EACH CATEGORY FOR SEAFOOD INVESTIGATIVE UNIT:

1-Boating

18-Recreational Fishing

6-Commercial Fishing

6-Hunting

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S.W.E.P.

DELTA TIDE AND RIP TIDE

34 HOURS RUNNING TIME

19 BOATS CHECKED

O CITATIONS

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TOTAL CASES WMA&REFUGES- 189

TOTAL CASES - 1674

WILDLIFE MANAGEMENT AREAS AND REFUGES ACTIVITY REPORT

Col.  
FYI

## Special Investigations Unit

Case Report 1996

Sgt. Jeff Mayne, Sgt. Mark Benton, Sgt. David Folse, Sr. Agent Guy Adams, Sr. Agent  
Darryl Moore, Sr. Agent Doug Wild

- 48 Angling Without A Basic License
- 2 Angling Without A Basic License Non-Resident
- 31 Angling Without A Saltwater License
- 2 Angling Without A Saltwater License Non-Resident
- 1 Take or Possess Game Fish Illegally
- 2 Possess Over Limit Red Drum
- 3 Take or Possess Undersize Red Drum
- 6 Take or Possess Undersize Spotted Seatrout
- 5 Take or Possess Undersize Black Drum
- 1 Posses or Possess Over Limit Spotted Sea Trout
- 3 Take or Possess Over Limit Black Drum
- 1 Fail to Comply with Charter Boat Regulations
- 2 Sell Fish Caught Recreationally
  
- 17 Not Abiding by Commission Rules and Regulations (Fisheries Violations)
- 18 Take or Sell Fish Without Commercial Fishing License
- 5 Take Commercial Fish Without Gear License
- 19 Take or Possess Commercial Fish Without Vessel License
- 88 Sell and/or Buy Fish Without Wholesale/Retail Dealers License
- 2 Shed Soft Shell Crabs Without Sheddars License
- 55 Fail To Maintain Records
- 19 Transport Fish Without Required License
- 26 Illegal Shipping of Commercial Fish
- 4 Possess Game Fish Illegally (Commercial)
- 4 Possess Red Drum Illegally (Commercial)
- 11 Use Saltwater Gill Net Illegally
- 5 Possess Net Without Traversing Permit
- 5 Fail To Comply with Federal Law While in EEZ
- 1 Sell and/or Purchase Game Fish
- 25 Buy Commercial Fish From Unlicensed Fisherman
- 1 Possess Crabs in Berry Stage
- 6 Allow Another to use Commercial Fisherman's License
- 2 Allow Unlicensed Person to use Commercial Gear License
- 2 Allow Unlicensed Person to use Commercial Vessel License
- 4 Fail to Comply With Quota Closure Spotted Seatrout
- 2 Take Spotted Seatrout Without Permit
- 3 Take Spotted Seatrout With Mullet Strike Net in Excess 1200 ft.
- 6 Fail To Report Commercial Fishery Data
- 1 Take or Possess Undersize Black Drum Commercially
- 15 Take or Possess Undersize Hard Crabs
- 42 Sell Undersize Hard Crabs
- 61 Fail To Comply With Shark Permit Regulations
- 4 Operate Commercial Truck Without Commercial Markings
- 3 Violate Mullet Regulations
- 3 Take Mullet Commercially Without Permit

- 3 Use More than One Strike Net to Take Mullet Commercially
- 3 Possess Red Drum Illegally on Commercial Vessel
- 7 Trawl in Closed Season
- 1 Use Illegal Mesh Trawl
- 2 Fail To Pay Shrimp Severance Tax
- 3 Illegal Fishing Breton and Chandeleur
- 1 Take More than One Sack Oysters
- 1 Take Oysters From Unapproved Area
- 1 Take Undersize Oysters from Natural Reef
- 1 Take Oysters Closed Season
- 1 Fail To Hold Oyster Tags for Sixty Days
- 4 Failure to Tag Sacked or Containerized Oysters
- 1 Buying For Resale Untagged Oysters
- 4 Possession of Untagged Oysters
- 1 Fail To Maintain Traceable Oyster Records
- 1 Sell Reptiles and Amphibians Without Collectors License
- 2 Operate Without Wholesale/Retail Reptile Amphibian License
- 1 Fail To Maintain Records Reptiles. and Amphibian.
- 1 Fail To Comply with Shipping Regulation Reptiles and Amphibians
- 1 Sell Fur Bearing Animal without License
- 1 Sell Non-Game Quadruped Closed Season
- 1 Improper Dealer Records Furs and Skins
- 1 Theft of State Property (Commercial License Money) (Felony)
- 5 Violate Lacey Act (Felony)
- 6 Conspiracy to Violate Lacey Act (Felony)
- 14 Injuring Public Records (Fishery Landing Data) (Felony)
- 17 Filing False Public Records (Fishery Reports) (Felony)
- 10 Federal Permit Violations
- 4 Federal Shark Violations
- 4 Federal Fishery Closed Season
- 2 Federal Take Undersize Commercial Fish
  
- 1 Hunting Without A Basic License
- 2 Hunting From A Moving Vehicle
- 1 Hunting With an Unplugged Gun
- 1 Hunting From A Public Road
- 2 Hunt Deer Illegal Hours with Artificial Light
- 4 Violate Wildlife Management Area Regulations
- 1 Hunting Ducks Without A Federal Stamp
- 1 Hunting Migratory Game Birds With Steel Shot
  
- 2 Public Intimidation (Felony)
- 1 Illegal Possession of Marijuana
- 3 Driving While Intoxicated
- 7 Other Than Wildlife and Fisheries
- 3 Littering
- 8 Boating Safety



<b>Recreational Fishing</b>	<b>107</b>	<b>Class One</b>	<b>130</b>
<b>Commercial Fishing</b>	<b>564</b>	<b>Class Two</b>	<b>46</b>
<b>Hunting</b>	<b>13</b>	<b>Class Three</b>	<b>351</b>
<b>Miscellaneous</b>	<b>16</b>	<b>Class Four</b>	<b>20</b>
<b>Boating Safety</b>	<b>8</b>	<b>Class Five</b>	<b>28</b>
<b>Total</b>	<b>708</b>	<b>Class Six</b>	<b>30</b>
		<b>Non-Class</b>	<b>23</b>
		<b>Federal</b>	<b>20</b>
		<b>Federal Felonies</b>	<b>15</b>
		<b>Felonies</b>	<b>45</b>

Total Minimum Fine Range \$225,150.00 to \$687,600.00

### Seizures Sold

33,875	Pounds Shrimp	\$48,115.50
19,624	Pounds Red Snapper	\$29,085.45
1,916	Pounds Shark and Fins	\$ 1,733.80
4,431	Pounds Yellow Fin Tuna	\$11,833.75
2,221	Pounds Mahi Mahi	\$ 2,780.00
10,969	Pounds Black Drum	\$ 5,299.00
3,145	Head Bull Drum	\$ 9,435.00
1,198	Pounds Cobia	\$ 1,925.75
1,732	Pounds Spotted Trout	\$ 1,767.00
21,172	Pounds Sheepshead	\$ 5,293.00
16,477	Pounds Crabs	\$ 5,155.90
204	Gallons Oysters	\$ 4,855.00
346	Pounds Blue Fin Tuna	\$ 692.00
149	Sword Fish	\$ 484.25
220	Wahoo	\$ 220.00
366	Bee Liner	\$ 343.45
434	Greater AmberJack	\$ 416.25
25	Sacks	\$ 425.00
67	Flounder	\$ 200.00
160	Catfish	\$ 280.00
111	Grouper	\$ 111.00
166	Trigger Fish	\$ 84.45
311	Misc. Fish	\$ 249.90
<b>Total</b>		<b>\$ 130,785.45</b>

### Seizures Returned to Water or Donated

8,981	Undersized Crabs	25	Flounder
77	Spotted Seatrout	941	Undersize Red Snapper
14	Coons	329	Misc. Fish
249	Sacks Oysters	4	Coots
458	Red Ear Turtles		

### Seized Equipment

10	Trawls	1	Truck	2	Barges
1	Digital Scale	1	Bag Marijuana	2	Boats
2	Rifles	2	Skimmer Nets	7,350	Ft. Gill Nets
				1	Purse Seine

AGENDA

LOUISIANA WILDLIFE AND FISHERIES COMMISSION

BATON ROUGE, LA

January 9, 1997

1:00 PM

1. Roll Call
2. Approval of Minutes of December 5, 1996
3. Election of Chairman and Vice-Chairman
4. Donation to Louisiana Wildlife & Fisheries Foundation by the Bayou State Bowhunters - Hugh Bateman
5. Notice of Intent - Experimental Dove Field Leasing Program - Fred Kimmel
6. Discussion of Notice of Non-Renewal of Oyster Leases and Oyster Lease Moratorium - Danny Babin
7. Rule Ratification - Special Bait Dealer's Permit - Brandt Savoie
8. Declaration of Emergency - Adjustment to the 1996/97 Oyster Seasons on the Public Grounds - Ron Dugas
9. Enforcement & Aviation Reports/December - Winton Vidrine
10. Division Reports
  - a. New Information & Education Programs
  - b. Hydrilla in Louisiana
  - c. Oil Spill, Attakapas WMA
11. Public Comments
12. Adjourn

4000  
1  
365.000  
10/0 →

45369  
11/40  
H2O Bitter

Write Leg. & Gov.

# For Hydrilla Program,

— Put them on notes

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**HYDRILLA IN LOUISIANA**

**Louisiana Department of Wildlife and Fisheries  
Inland Fisheries Division**

**Aquatic Plant Research and Control Section**

**Presented to the Louisiana Wildlife and Fisheries Commission  
9 January, 1997**

## **Hydrilla in Louisiana**

One of the most severe environmental problems facing our natural areas is the explosive invasion of exotic pest plants and animals. These organisms invade and rapidly spread in natural areas with harmful consequences.

Louisiana has more than 6.4 million acres of freshwater habitat . The state's economy, its renewable fish and wildlife resources and numerous recreational activities are strongly based on this endowment. Louisiana is also blessed with a sub-tropical climate. This climate and our abundant water resources combine to provide a highly favorable environment for the growth of a wide variety of aquatic plants, both native and exotic.

Native aquatic plants are generally considered an important component of the aquatic ecosystem. However, infestations of plants, especially exotic plants, can exist at a level where temporary benefits to the environment are outweighed by the adverse effects to the natural aquatic ecosystem and to public utilization. Native and exotic species that adversely impact user interests are often referred to as problematic species.

Aquatic plant communities found in a given area are regulated by the

available habitat and environmental conditions in that location. Water quality, water depth, turbidity, available nutrients, available sunlight, water flow rate and temperature all have an effect on the type and species of aquatic vegetation to be found in any aquatic system. The biology of the plants involved and the diversity of habitat in Louisiana makes plant management a program that does not lend itself to a rigid engineering plan. Therefore, any management plan must be flexible enough to permit changes in operations to accommodate developing conditions.

The water hyacinth is the major pest plant to which Department control efforts have been directed since the inception of an aquatic weed control program in Louisiana. Aquatic managers are now at a crossroad in facing yet another threat to Louisiana's aquatic ecosystems and their management, Hydrilla verticillata, an introduced, exotic aquatic plant. Hydrilla is native to the warmer regions of the Old World. A cosmopolitan species, it is found to occur in Europe, Asia, Australia, New Zealand, the Pacific Islands, Africa and North and South America. It tends to be more widespread in tropical areas of the world, but is also found to occur in temperate regions. In contrast, however, hydrilla has been collected in Siberia at a location only 9° below the Arctic Circle. It is

a submersed aquatic species which was first found growing in the United States in southern Florida in 1960. This introduction was made by the aquarium industry, interested in the plant as a sales item. Nearly forty years after it's introduction, hydrilla infestations in the United States continue to expand. It is presently found in all the Gulf and Atlantic coast states as far north as Maryland and Delaware and also in Tennessee, Arizona, California, and Washington. Hydrilla causes serious problems resulting in major detrimental impacts on water resources in the United States. In many areas hydrilla has been found to clog drainage and irrigation canals, prevent boating access for fishing and other water-related recreation, impede commercial navigation, replace more desirable native plants, degrade water quality and decrease property values.

In Louisiana, hydrilla was first identified at Spanish Lake, Iberia Parish, in July 1973. In August 1973, it was also identified in Sibley Lake, near the city of Natchitoches. Subsequent to these discoveries, the Louisiana Department of Wildlife and Fisheries immediately established an eradication policy and through intense efforts spanning several years, was successful in eradicating hydrilla from both locations. Since 1973, however, it has reappeared and become established in numerous waterbodies throughout the State. Following

its initial discovery, it was found in Toledo Bend Reservoir, Grassy Lake (St. Martin Parish) and 3 south Louisiana marsh lakes; Theriot, Boeuf, and Penchant. Since then, hydrilla has continued to spread to many other waterbodies throughout Louisiana, including Bayou Lafourche and the Atchafalaya Basin.

In 1989 field surveys, hydrilla was found in Caney Lake, located near Jonesboro, and Lake Rodemacher (Cleco), near Alexandria. In an almost methodical fashion, new infestations have recently been documented in the following waterbodies: Black Lake (Natchitoches), Bundicks Lake, False River, Half-Moon Bayou (St. Landry Parish), Lake Kincaid, Lake Martin, Miller's Lake, Saline-Larto Complex, Spanish Lake (New Iberia), Cotile Lake, Spring Bayou Wildlife Management Area, Henderson Lake, Lake Bistineau, Smithport Lake (Caddo Parish), Spanish Lake (Iberville Parish); Chicot Lake, Flag Lake (Barksdale AFB), Iatt Lake, and Smith Bay (Grassy Lake WMA). Due to the vast expanse of suitable habitat statewide and recent trends in discovering new infestations, it is highly probable that numerous, yet undiscovered, infestations exist or soon will.

One of the early mysteries concerning hydrilla was how it could become



established and then displace native aquatic plants. Research has answered many of those questions. A unique and very competitive characteristic of hydrilla is its growth habit. Hydrilla grows very rapidly, reportedly from one to three inches per day. It produces very dense branches in the upper 2-3 feet of water which allow it to intercept up to 95% of the sunlight in the top one foot of the water column, thereby shading out other aquatic plants. Hydrilla also makes efficient use of other resources available to it. The tissue of a hydrilla plant is mostly water, from 95% to as much as 99%. Consequently, it can produce a large quantity of fresh plant material from a limited supply of the essential plant nutrients carbon, nitrogen and phosphorus. It is also a luxury consumer of phosphorus, meaning that it can continue to absorb and store the nutrient beyond its need for growth, thereby competing directly with phytoplankton, which is the basis for the food chain in aquatic systems.

Hydrilla also has complex physiological adaptations. For example, adaptations which allow hydrilla to utilize lower light levels for photosynthesis mean that hydrilla can begin to photosynthesize earlier in the morning, thus out competing other aquatic plants for limited dissolved carbon in the water. It can also absorb carbon from the water at lower concentrations than other aquatic

plants. It's low light requirement (1% or less of full sunlight) also allows hydrilla to colonize in deeper water. It has been found growing in depths up to 18' in Toledo Bend , 23' in Lake Conroe, and 50' near Crystal River, Florida . It thrives in a variety of water conditions: clear to muddy, acid to alkaline (grows best at a pH range of 6 - 8), fertile (eutrophic) to infertile (oligotrophic). Hydrilla can also tolerate salinities up to 10 parts per thousand. Once established, hydrilla becomes the dominant plant thereby displacing most all native vegetation. This results in a mono-typic culture and a loss of native biodiversity and those organisms dependent on that diversity.

Hydrilla is generally rooted to the bottom, although fragments break loose and are capable of surviving in a free-floating state. It has been documented that almost 50% of hydrilla fragments having a single whorl (a circular arrangement of leaves around the stem) can sprout a new plant. Larger fragments have an even greater ability to regrow. This means that small amounts of hydrilla on boat trailers, in bait buckets, ice chests or live wells, or dumped from an aquarium can very easily spread the plant from one location to another. Stem branching is usually sparse until the plant approaches the water's surface, then branching can become profuse. Hydrilla also produces many horizontal above

ground stems (stolons) and underground stems (rhizomes). It's leaves are 1/8 to 1/4 of an inch wide, 1/3 to 2/3 of an inch long, and occur in whorls of 3-8. The leaves have numerous small, sharp teeth along the margins. The underside of the leaf midrib has either spines or glands giving the plant its rough texture.

Hydrilla is unique in that it can be either monoecious (both male and female flowers on the same plant) or dioecious (only male or female flowers on the same plant). To date monoecious populations have been found only to exist in the mid-Atlantic states. Elsewhere, including Louisiana, all plants found thus far are dioecious (female) and have not produced seeds.

The importance of seed production to hydrilla dispersal is not known. Seed production and viability is low compared to many other plants. It is probably of minor importance when compared to hydrilla's success at vegetative reproduction. However, seeds of many other plants can be ingested by birds, carried for long distances, and passed through in a viable condition. If this is true for hydrilla seed, it may be an important means of natural long distance dispersal. While vegetative reproduction is important for short distance dispersal, man has proven to be quite efficient at transporting hydrilla fragments long distances.

In addition to previously mentioned methods of reproduction, hydrilla also produces specialized vegetative reproductive structures called turions and tubers. Turions are compact, dormant buds located in the leaf axils which detach and allow the plants to survive the winter. These structures are approximately 3/16 to 5/16 of an inch long, dark green in color, with a spiny appearance. Tubers are fleshy reproductive structures located on the ends of rhizomes, which are underground stems and can be found up to 12 inches deep in the sediment. They are 3/16 - 7/16 of an inch long and are usually light colored. Tubers and turions can withstand extremely adverse conditions such as cold water temperatures (including ice cover), drying, ingestion and regurgitation by waterfowl, and herbicide applications. One single plant has been shown to have produced more than 5,000 new tubers per square meter (465/sq. ft). They can remain viable for several days out of water and for indefinite periods in damp soil.

### **Control Methods**

Once established, eradication of hydrilla is practically impossible. It's adaptability to widely varying environmental conditions, it's explosive growth rate and it's ability to reproduce in several ways throughout it's life cycle are all factors that allow it to out-compete more desirable plants. These factors also make it extremely difficult to control. There are several options available, however, for providing some measure of control. These include herbicides, mechanical removal, biological control, and water level manipulation or lake drawdown. Individual options, including advantages and disadvantages of each are as follows:

-Herbicides: There are four EPA registered herbicides presently available that will successfully control hydrilla. These include copper, diquat, endothall, and fluridone. Copper is used mainly in combination with diquat or endothall. These products are expensive and some may require repeated treatments. Depending on water depth, cost per acre could range from \$350 - \$600. There are circumstances where herbicides cannot be used at all due to label restrictions for domestic water intakes or diffusion in rapidly moving water. Tubers and

turions are not affected by these herbicides.

-Mechanical Control: Commercial aquatic weed harvesters are available that can temporarily remove hydrilla from a waterbody. They are expensive to purchase, maintain, and operate and hydrilla's rapid growth rate would require multiple harvests. They are considered ineffective in that they are only capable of removing approximately 3 acres of vegetation per day at a cost of up to \$1500 per acre.

-Biological Control: An effective biological agent can be the most cost effective method of hydrilla control. Sterile triploid grass carp are the most effective biological agent currently used in achieving control. Although hydrilla is its preferred food, these "nonspecific" herbivores will consume other types of submersed and some emergent aquatic vegetation. Other biological control agents such as insects and plant pathogens are still being researched and are not available for general use.

-Water Level Manipulation: Lake drawdowns, or the artificial lowering of water levels, have also been utilized for hydrilla control. Their use is limited to waterbodies that have adequate control structures and hydrologic characteristics to adequately control water levels and where lowered water levels will not

interfere with other primary water uses such as domestic or irrigation supplies, navigation, or hydroelectric power production. This method has been successful for controlling various other aquatic plant species but provides only limited control of hydrilla. Lakes currently undergoing drawdown procedures in Louisiana for hydrilla control include Lake Bistineau, Chicot Lake, Henderson Lake, and Spring Bayou (Avoyelles Parish). Iatt Lake is scheduled to be drawn down in 1997 for hydrilla control.

Due to the vast acreage of aquatic habitat in Louisiana, it is difficult to accurately estimate the number of acres of hydrilla currently infesting state waters. Statewide aerial surveys conducted by Aquatic Plant Research and Control Section technical staff in May and June 1996 indicated a very conservative estimate of approximately 30,000 acres . Factors hampering these visual observations include hydrilla growth patterns, high water conditions, water turbidity, and tree canopies in many areas of the state, especially within the Atchafalaya Basin. Due to these impairments, our vast areas of aquatic habitat, and significant increases in public complaints, it is speculated that the infestation could be more than twice the reported estimates. Each day the problem increases as hydrilla continues to spread throughout the state. As has

been the case in other states, Louisiana will never be able to completely eradicate hydrilla. Consequently, the only remaining option will be to learn how to manage it within our capabilities. Based on the biology and field experiences with hydrilla infestations in the southeastern United States, to do nothing with the rapidly developing hydrilla infestation will ultimately result in an economic as well as an ecological disaster to the state of Louisiana. Furthermore, unless appropriate action is taken to adequately address the problem we are facing, hydrilla will continue its relentless encroachment upon the aquatic resources of our state.

### **Recommendations**

At this time the Department has no funded submersed vegetation control program. To establish and maintain such a program would require a continuous appropriation of significant additional funding. If the Department were to engage in such a program, it is recommended the problem be addressed statewide on a priority-use basis rather than selectively treating certain lakes.

Hydrilla is one of several invasive exotic plants presently designated noxious and its importation is prohibited by state and federal statutes. The state



statute should be amended to include the prohibition of both interstate and intrastate movement of these plants. Legislation to accomplish this is scheduled for introduction during the 1997 legislative session.

Once introduced and naturalized, these exotic pests forever change our native plant diversity and the organisms dependant upon that diversity. Severe infestations will negatively impact the state's economy and will cost millions of dollars annually to manage. A concerted effort should be made by the Department to educate the public to the danger and damage introductions of all exotic species such as hydrilla, water hyacinth, and zebra mussels can have on Louisiana's extensive and invaluable water resources.

### **Hydrilla Facts**

- Rapid growth, up to 1- 3 inches per day.
- Profuse branching near the surface allows it to intercept 95% of the sunlight thereby shading out other aquatic plants.
- Hydrilla plant tissue contains mostly water, 95% - 99%.
- Can reduce available irrigation water supplies as much as 60%.
- Infestations can become so dense that birds and small animals can walk across the vegetation.
- It is virtually impossible for conventional outboard motor powered boats to navigate through hydrilla because propellers and water intakes get clogged.
- Nearly 50% of hydrilla fragments having a single whorl of leaves can produce a new plant.
- In Florida, a single tuber was documented to have produced 160 pounds of vegetative growth and resulted in the production of more than 6,000 tubers in the soil after only 4 months of growth!

LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES  
CIVIL RESTITUTION ACTIVITY REPORT

DATE: 3-JAN-1997

CURRENT MONTH 12/01/1996 TO 12/31/1996 FISCAL YEAR TO DATE 07/01/1996 TO 12/31/1996 INCEPTION TO DATE 12/31/1996

ORIG RESTITUTION VALUES ENTERED  
HEARING COSTS ASSESSED  
SALE OF CONFISCATED COMMODS  
SALES EXCEEDING RESTITUTION

# CASES	AMOUNT	# CASES	AMOUNT	# CASES	AMOUNT
13	\$238,366.04	190	\$350,530.41	3,244	\$2,193,762.30
4	\$100.00	43	\$1,075.00	112	\$2,800.00
0	\$0.00	0	\$0.00	331	\$269,865.45
0	\$0.00	0	\$0.00	148	\$71,951.21

## RESTITUTION ASSESSED

PAYMENTS	13	\$238,466.04	190	\$351,605.41	3,244	\$1,998,648.06
DISCOUNTS FOR TIMELY PAYMENTS	22	\$5,877.18	157	\$24,964.18	2,077	\$310,679.84
OVERPAYMENTS	14	\$2,121.53	129	\$13,113.63	1,380	\$152,710.90
REFUND OF OVERPAYMENT	0	\$0.00	8	\$86.45	80	\$1,570.11
APPLIED CONFISCATED COMMODS	0	\$0.00	3	\$84.47	34	\$7,109.90
APPLIED EXCEEDING BALANCE DUE	0	\$0.00	0	\$0.00	4	\$18,449.45
REFUND OF CONFISCATED COMMOD	0	\$0.00	0	\$0.00	4	\$10,601.49
RETURNED CHECKS	0	\$0.00	1	\$515.60	17	\$75,953.27
MISC. ADJUSTMENTS	0	\$0.00	0	\$0.00	1	\$36.75
DEBITS	0	\$0.00	0	\$0.00	2	\$35.00
CREDITS	0	\$0.00	0	\$0.00	12	\$9.37
REASSESSMENTS	0	\$0.00	0	\$0.00	12	\$9.37
DEBITS	0	\$0.00	3	\$632.64	18	\$6,532.69
CREDITS	0	\$0.00	7	\$20,581.22	50	\$33,319.14
WRITE-OFFS	1	\$26.13	3	\$576.47	204	\$112,914.31
ASSESSMENTS WITHDRAWN	0	\$0.00	0	\$0.00	6	\$1,399.24
FOUND NOT RESPONSIBLE	0	\$0.00	9	\$3,104.57	21	\$22,867.51
CASES VOIDED BY ENFORCEMENT	0	\$0.00	0	\$0.00	2	\$97.80

## \*\* TOTAL OUTSTANDING

927 \$1,448,039.71

## FOOTNOTE:

PAYMENTS FROM COLLECTION EFFORT	1	\$20.00	5	\$100.00	51	\$10,940.67
AMOUNT PAID TO COLLECTOR		\$5.00		\$25.00		\$2,735.16
FORFEIT OF CONFISCATED COMMODS	0	\$0.00	0	\$0.00	0	\$0.00 *

## AGING OF SALE OF CONFISCATED COMMODITIES

## AGING OF OUTSTANDING CASES

VIOLATION DATE UNKNOWN	0	\$0.00	CAN NOT BE INVOICED	2	\$37.50
1 - 30 DAYS	0	\$0.00	1 - 30 DAYS	8	\$4,603.00
31 - 60 DAYS	5	\$1,610.90	31 - 60 DAYS	21	\$12,208.68
61 - 90 DAYS	9	\$9,091.85	61 - 90 DAYS	11	\$8,019.22
91 - 120 DAYS	17	\$13,721.75	91 - 120 DAYS	12	\$2,279.34
121 - 150 DAYS	24	\$23,359.70	121 - 150 DAYS	11	\$1,968.78
151 - 180 DAYS	9	\$2,278.65	151 - 180 DAYS	18	\$50,711.38
181 - 365 DAYS	102	\$121,917.48	181 - 365 DAYS	81	\$47,135.69
OVER ONE YEAR	157	\$122,433.07	CASES SENT FOR COLLECTION	13	\$159,918.42
OVER TWO YEARS	86	\$59,877.47	OVER 1 YEAR PENDING	0	\$0.00
OVER THREE YEARS	21	\$6,279.50	OVER 1 YEAR (OTHER)	750	\$1,161,157.70

## \*\* TOTAL AGING

430 \$360,570.37

## \*\* TOTAL AGING

927

\$1,448,039.71

# MONTHLY CIVIL RESTITUTION REPORT

PERIOD	NO. CASES ASSESSED	AMOUNT ASSESSED	CREDIT FOR SALE GOODS	NO. CASES PAID	AMOUNT PAID	DISCOUNTS TAKEN	Percent Dollars Paid	Percent Cases Paid
<b>FISCAL YEAR 1993-94</b>								
July, 1993	25	21,039	(9,778)	29	4,855	2,545		
Aug., 1993	53	44,922	(1,137)	41	7,950	3,603		
Sept., 1993	42	137,635	(17,938)	35	6,783	3,048		
Oct., 1993	49	21,471	(11,282)	40	3,285	1,519		
Nov., 1993	57	31,207	(13,260)	32	3,053	2,845		
Dec., 1993	53	13,777		27	6,507	6,713		
Jan., 1994	38	18,918		32	4,423	2,831		
Feb., 1994	68	38,131	(8,238)	46	9,124	5,993		
Mar., 1994	38	22,739	(2,482)	51	10,854	6,796		
April, 1994	14	44,732	(1,404)	27	7,307	4,632		
May, 1994	10	4,504	(165)	7	5,447	3,808		
June, 1994	29	26,167	(2,986)	12	1,886	1,214		
Total FY 1994	476	425,242	(68,670)	379	71,474	45,547	27.5%	79.6%
<b>FISCAL YEAR 1994-95</b>								
July, 1994	17	2,127	(335)	23	2,101	1,437		
Aug., 1994	41	96,403	(3,035)	20	1,010	605		
Sept., 1994	34	14,614	(14,002)	26	2,596	2,342		
Oct., 1994	94	17,426	(8,677)	38	2,922	3,179		
Nov., 1994	43	103,592		45	3,992	2,803		
Dec., 1994	68	31,400		35	4,315	2,329		
Jan., 1995	55	27,601		52	7,493	4,921		
Feb., 1995	70	61,119		41	6,472	3,973		
Mar., 1995	31	25,072		44	8,315	4,737		
Apr., 1995	13	15,353		16	3,565	1,538		
May., 1995	23	11,632		16	4,315	654		
June 1995	45	31,008		18	2,630	1,025		
Total FY 1995	534	437,347	(26,049)	374	49,726	29,543	18.1%	70.0%
<b>FISCAL YEAR 1995-96</b>								
July, 1995	0	0						
Aug., 1995	46	17,425		27	9,028	1,729		
Sept., 1995	1	125		21	3,093	2,049		
Oct., 1995	122	206,244		29	2,720	1,161		
Nov., 1995	55	23,124		62	10,151	6,383		
Dec., 1995	50	18,607		32	4,781	2,803		
Jan., 1996	49	13,815	(15,296)	36	5,297	3,473		
Feb., 1996	50	14,717		38	5,778	3,417		
Mar., 1996	33	24,937		36	6,035	3,422		
Apr., 1996	30	11,007		36	7,173	2,712		
May., 1996	23	7,989		24	3,942	2,020		
June 1996	50	22,151		16	2,790	1,182		
Total FY 1996	509	360,141	(15,296)	357	60,787	30,350	25.3%	70.1%
<b>FISCAL YEAR 1995-96</b>								
July, 1996	40	71,894		32	5,250	2,948		
Aug., 1996	32	5,363		32	6,255	3,784		
Sept., 1996	41	7,210		29	2,260	1,327		
Oct., 1996	29	11,093		25	3,698	2,262		
Nov., 1996	20	10,009		22	1,625	698		
Dec., 1996	13	238,466		22	5,877	2,122		
Jan., 1997								
Feb., 1997								
Mar., 1997								
Apr., 1997								
May., 1997								
June 1997								
Total FY 1997	175	344,034	0	162	24,964	13,140	11.1%	92.6%

**Louisiana Department of Wildlife and Fisheries**

# **NEWS RELEASE**



**James H. Jenkins Jr.**  
**Secretary**

**CONTACT**  
**504/765-2923**

97-1a

1/8/97

## **JANUARY 1997 COMMISSION MEETING AGENDA REVISED**

The Wildlife and Fisheries Commission has revised the agenda for its next meeting, scheduled for Thursday, Jan. 9, 1997, at 1 p.m.

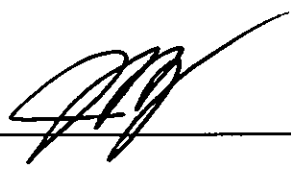
The meeting, to be held in the Louisiana Room of Wildlife and Fisheries headquarters, 2000 Quail Dr., Baton Rouge, is open to the public. The revised agenda follows.

1. Roll call.
2. Approval of minutes of Dec. 5, 1996.
3. Election of Commission chairman and vice-chairman.
4. Donation to the Louisiana Wildlife and Fisheries Foundation by the Bayou State Bowhunters.
5. Notice of Intent: experimental dove field leasing program.
6. Discussion of notice of non-renewal of oyster leases and oyster lease moratorium.
7. Ratification of rule: special bait dealer's permit.
8. Declaration of Emergency: adjustment of the 1996-97 oyster seasons on public grounds.
9. Enforcement and Aviation reports — December.
10. Division reports.
  - a. New Information and Education programs.
  - b. Hydrilla in Louisiana.
  - c. Oil spill, Attakapas Wildlife Management Area.
11. Public comments.
12. Adjourn.

January 6, 1997

NEWS RELEASE

APPROVED: \_\_\_\_\_



AMENDED AGENDA FOR COMMISSION MEETING

The next regular public board meeting has been scheduled by the Commission for 1:00 P.M. on Thursday, January 9, 1997, in the Louisiana Room at the Wildlife and Fisheries Building, 2000 Quail Drive, Baton Rouge, LA.

1. Roll Call
2. Approval of Minutes of December 5, 1996
3. Election of Chairman and Vice-Chairman
4. Donation to Louisiana Wildlife & Fisheries Foundation by the Bayou State Bowhunters
5. Notice of Intent - Experimental Dove Field Leasing Program
6. Discussion of Notice of Non-Renewal of Oyster Leases and Oyster Lease Moratorium
7. Rule Ratification - Special Bait Dealer's Permit
8. Declaration of Emergency - Adjustment to the 1996/97 Oyster Seasons on the Public Grounds
9. Enforcement & Aviation Reports/December
10. Division Reports
  - a. New Information & Education Programs
  - b. Hydrilla in Louisiana
  - c. Oil Spill, Attakapas WMA
11. Public Comments
12. Adjourn

# Louisiana Department of Wildlife and Fisheries

# NEWS RELEASE

James H. Jenkins Jr.  
Secretary



CONTACT  
504/765-2923

97-1

1/3/97

## JANUARY 1997 COMMISSION MEETING SET

The Louisiana Wildlife and Fisheries Commission will conduct its next regular meeting at 1 p.m. on Jan. 9, 1997, in the Louisiana Room of Wildlife and Fisheries headquarters, 2000 Quail Dr., Baton Rouge.

The meeting is open to the public. The agenda follows.

1. Roll call.
2. Approval of minutes of Dec. 5, 1996.
3. Election of Commission chairman and vice-chairman.
4. Donation to the Louisiana Wildlife and Fisheries Foundation by the Bayou State Bowhunters.
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10. Public comments.
11. Adjourn.

-30-

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# State of Louisiana



James H. Jenkins, Jr.  
Secretary

Department of Wildlife and Fisheries  
Post Office Box 98000  
Baton Rouge, LA 70898-9000  
(504)765-2800

M.J. "Mike" Foster  
Governor

December 23, 1996

## MEMORANDUM

TO: Chairman and Members of Commission  
FROM: James H. Jenkins, Jr., Secretary  
SUBJECT: January Commission Meeting Agenda

The next regular Commission meeting will be held at 1:00 P.M. on Thursday, January 9, 1997, in the Louisiana Room at the Wildlife and Fisheries Building, 2000 Quail Drive, Baton Rouge, LA.

The following items will be discussed:

1. Roll Call
2. Approval of Minutes of December 5, 1996
3. Election of Chairman and Vice-Chairman

## OFFICE OF WILDLIFE

4. Donation to Louisiana Wildlife & Fisheries Foundation by the Bayou State Bowhunters
5. Notice of Intent - Experimental Dove Field Leasing Program

## OFFICE OF FISHERIES

6. Rule Ratification - Special Bait Dealer's Permit
7. Declaration of Emergency - Adjustment to the 1996/97 Oyster Seasons on the Public Grounds

## WINTON VIDRINE

8. Enforcement & Aviation Reports/December



Page 2  
Commission Meeting  
December 23, 1996

9. Division Reports
  - a. New Information & Education Programs
  - b. Hydrilla in Louisiana
  - c. Oil Spill, Attakapas WMA
10. Public Comments

JHJ:sch

C: Clyde Kimball  
Johnnie Tarver  
Don Puckett  
John Medica  
Division Chiefs

December 23, 1996

NEWS RELEASE

APPROVED: 

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11. Adjourn

## **FAX TRANSMITTAL**

**TO:** Glynn Carver, Chairman

**FAX#** \_\_\_\_\_

**FROM** Susan Hawkins

**RE:** January Commission Agenda

The attached is for your approval. I am sending it early due to the upcoming holidays!

Hope you and your family have a good holiday season!

Thank you.

**DATE:** 12/18/96

**TIME SENT** \_\_\_\_\_

**FOR INFORMATION CALL (504) 765-2806**

**OUR FAX # (504) 765-2607**

**PAGES TO FOLLOW** 2

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WINTON VIDRINE

8. Enforcement & Aviation Reports/December

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Commission Meeting

9. Division Reports
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JHJ:sch

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John Medica  
Division Chiefs

John Hancock

# State of Louisiana



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Governor

December 5, 1996

## MEMORANDUM

TO: Deputy Secretary, Undersecretary, Assistant Secretary-  
Office of Wildlife, and Assistant Secretary-Office of  
Fisheries

FROM: James H. Jenkins, Jr., Secretary

SUBJECT: Commission Meeting Agenda - January 9, 1997

Please write on the bottom of this memo and return to Susan Hawkins by Wednesday, December 18th any agenda items your office may have for the Thursday, January 9th Commission Meeting to be held in Baton Rouge, Louisiana, at the Wildlife and Fisheries Building, 2000 Quail Drive. This meeting will begin at 1:00 p.m. on January 9th. If you do not have anything for the agenda, please return memo and indicate so on the bottom of this memo. We cannot add anything to the agenda that requires commission action after we have published the agenda in the state journal.

Resolutions and Notices of Intent should be included with the list of items to be placed on the agenda. Thank you for your cooperation!

JHJ/sch

cc: Commissioners  
Don Puckett  
Winton Vidrine  
Hugh Bateman  
Bennie Fontenot  
Karen Foote  
Wynnette Kees  
Karl Turner  
Lyle Soniat  
James Manning

- 1) RULE RATIFICATION - SPECIAL BAIT DEALER PERMIT PROGRAM - BEANOT SAVOIE
- 2) DOE - ADJUSTMENT TO THE 1996/97 OYSTER SEASONS ON THE PUBLIC GROUNDS - RON DUGAS

REC'D

DEC 5 96

ASST. SECRETARY  
OFFICE OF FISHERIES

# State of Louisiana



James H. Jenkins, Jr.  
Secretary

Department of Wildlife and Fisheries  
Post Office Box 98000  
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Hugh Bateman ✓  
Bennie Fontenot  
Karen Foote  
Wynnette Kees  
Karl Turner  
Lyle Soniat  
James Manning

### January '97 Wildlife Division Agenda Items

- 1- Notice of Intent - Dept. WLF Dove Field Leasing Program, Fred Kimmel
- 2- Bayou State Bowhunters - Donation to LA. WF Foundation, H. Bateman
- 3- Division Report, ~~Robert~~ oil spill ATTACKERS WMAA, K. SONNIER

# State of Louisiana



RECEIVED

DEC 11 1996

INLAND FISHERIES  
DIVISION

James H. Jenkins, Jr.  
Secretary

Department of Wildlife and Fisheries  
Post Office Box 98000  
Baton Rouge, LA 70898-9000  
(504)765-2800

M.J. "Mike" Foster  
Governor

December 5, 1996

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JHJ/sch

12/17/96

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Winton Vidrine  
Hugh Bateman  
Bennie Fontenot ✓  
Karen Foote  
Wynnette Kees  
Karl Turner  
Lyle Soniat  
James Manning

Dear Susan:  
I will have an Inland  
Fisheries Division report entitled,  
"Hydrilla in Louisiana," on  
the commission meeting agenda  
for January, 1997.  
Thank you.

Bennie



# State of Louisiana



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Lyle Soniat  
James Manning

*Enforcement Report*  
*W.V.*

# State of Louisiana



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Wynnette Kees  
Karl Turner  
Lyle Soniat ✓  
James Manning

*I would like to do an  
"information only" division  
report on new D & E  
programs. About 10 minutes.  
JHJ*

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